

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

#553 Economic Security

Permanent Rule _____

Temporary Rule ✓

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 10/23 2/6/80 DUE DATE 10/30 2/13/80

Resubmitted and Received _____ Oral Rep 10/26

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved 2/13/80 Date Sent Back to Agency 2/14/80

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1. Rules as Adopted _____

2. Rules as Proposed _____

3. Certificate of Board's
   Authorizing Resolution, where applicable _____

4. Order for Hearing _____

5. Notice of Hearing _____
   Sufficiency _____

6. Secretary of State's List _____ (one copy only)

7. Certificate of Acquisition of
   Secretary of State's List _____

8. Secretary of State's Certification of Delivery
   of Secretary of State's List to Agency _____

9. Affidavit of Mailing _____
   At least 30 days prior to hearing _____

10. Publication in State Register _____
    At least 30 days prior to hearing _____

11. Statement of Need and Evidence _____

12. Hearing Examiner's Report _____

13. Agency's Findings of Fact _____

14. Certificate of Board's Resolution
    Adopting Rules, where applicable _____

15. Order Adopting _____

16. Report of Chief Hearing Examiner _____

17. Order Approving Incorporation by Reference,
    where applicable _____

18. Certificate of Compliance with Rulemaking Procedures _____

19. Copy of Notice of Intent to Solicit Outside Opinion,
    where applicable _____

20. Petition by Public, where applicable _____

SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ROLF MIDDLETON
Commissioner of
Economic Security

DATE: February 13, 1980

FROM : JOANNE E. HINDERAKER JEH
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Temporary Rules Governing Weatherization Assistance for Low-Income People

The above-captioned temporary rules have been approved by this office.

While the statute does not require it, this office recommends that a copy of the adopted rules be filed with the Secretary of State.

If you have any questions, do not hesitate to contact me.

JEH:tam

cc: Chuck Wrobel
Alan L. Chapman

FINAL Good Copy

DEPARTMENT OF ECONOMIC SECURITY
OFFICE OF ECONOMIC OPPORTUNITY

Proposed Temporary Rule Governing Weatherization Assistance for Low-Income People

Request for Public Comment

Notice is hereby given pursuant to Minn. Stat. § 15.0412. subd. 5 (1978), that the Minnesota Department of Economic Security has proposed the following temporary rule governing the administration grants for the purpose of weatherizing the residences of low-income persons pursuant to Laws of 1979. Ex. Sess., ch. 2 § 37.

All interested may submit written comment or data on these rules to:

Alan L. Chapman, Weatherization Project Director
~~Office of Economic Opportunity~~
Minnesota Department of Economic Security
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Written statements submitted for consideration must be received by September 10, 1979. The proposed temporary rule may be modified if the modifications are supported by the data and views received by the Department. The Department shall submit to the Attorney General the proposed temporary rule as published, with any proposed modifications for review as to form and legality. The temporary rule shall take effect upon approval of the Attorney General.

The Department will publish at State Register the Attorney General's decision and the adopted temporary rule upon receipt of the Attorney General's decision.

Rolf Middleton
Commissioner

TEMPORARY RULE AS PROPOSED

8 MCAR § 4.4010 Minnesota Weatherization Assistance for Low-Income People.

A. Purpose. The purpose of this rule is to develop and implement a supplementary State weatherization assistance program under authority granted by Laws of 1979, Ex. Sess. ch. 2, § 37 to supplement the "United States Department of Energy Weatherization Assistance for Low-Income Persons" program 42-USC § 6861 to 6872 at prescribed ~~level~~ levels in the dwellings of low-income persons in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

B. Administration of costs. Grants awarded under this part shall be administered in accordance with the following:

1. Federal Management Circular 73-2, 34 CFR 251, entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

2. Federal Management Circular 74-4, 34 CFR 255, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

3. Federal Management Circular 74-7, 34 CFR 256, entitled "Uniform Administrative Requirements for Grants-in Aid to State and Local Governments;"

4. Office of Management and Budget Circular A-89 entitled "Catalog of Federal Domestic Assistance;"

5. Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

6. Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

7. Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;"

~~8. Such procedures applicable to this part as DES/OEO may from time to time prescribe for the administration of grants;~~

~~9. Tools and equipment acquired with grant funds provided under this part shall be the property of the grantee.~~

8. ~~9.~~ U.S. Treasury Circular 1075.

C. Definitions. As used in this rule:

1. "Act" means the Energy Conservation and Production Act, Pub. L. 94-335. 90 Stat. 1125 et. seq. as amended.

2. "Administrator" means the Administrator of the U.S. Department of Energy.

3. "CAA" means a Community Action Agency.

4. "CETA" means the Comprehensive Employment and Training Act of 1973, 42 U.S.C. 2731 et. seq. as amended.

5. "Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452 as amended, which is authorized to administer funds received from Federal, State, local or private funding entities to assess, design, operate, finance and oversee anti-poverty programs.

6. "Commissioner" means ~~Administrator~~ Commissioner of the Department of Economic Security.

7. "Cosmetic items" means items which, when installed, will not reduce energy costs in a cost-effective manner, including, but not limited to finishes, decorative fenestration materials and elevation materials such as aluminum siding, board and bat, clapboard, brick, shakes, or asphalt siding.

8. "DES~~/OEO~~ means Department of Economic Security, ~~Office of Economic Opportunity.~~

9. "DOE" means the United States Department of Energy.

10. "Dwelling unit" means a house, including a stationary mobile home, and apartment, a group of rooms, or a single room occupied as separate living quarters.

11. "Elderly Person" means a person who is 60 years of age or older.

12. "Family Unit" means all persons living together in a dwelling unit.

13. "Grantee means an entity named in the Notification of Grant Award as the recipient.

14. "Handicapped person" means any individual (a) who is a handicapped individual as defined in section 7(6) of the Rehabilitastion Act of 1973, (b) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (c) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code.

15. "Heating degree days" means a seasonal average of the climatological heating degree days for each weather station within a State, ~~as determined by FEA.~~

16. "Heating or cooling source" means a device the operation of which can raise or lower temperatures within a dwelling unit as part of the permanent heating, ventilating and air conditioning system installed in the dwelling unit, including but not limited to furnaces, heat pumps, stoves, boilers, heaters, fireplaces, air conditioners, fans, and solar devices.

17. "Household" means the same as dwelling units.

18. "Indian tribe" means any tribe, band, nation or other organized group or community of ~~Native Americans,~~ American Indians, ~~including any Alaska native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub.L. 92203, 85 Stat. 688 which (a) is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans, or (b)~~ that is located on, or in proximity to a Federal or State reservation ~~or rancheria.~~ within the State of Minnesota.

19. "Law" means Minnesota Laws 1979, Ex. Sess. ch. 2, § 37.

20. "Local applicant" means a CAA or unit of general purpose local government.

21. "Low income" means that total household income in relation to family size which-

a. Is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

b. Is the basis on which cash assistance payments have been paid during the preceding 12 month period under Title IV and XVI of the Social Security Act or applicable State or local ~~law.~~ rules.

22. "Mechanical equipment" means a control device or apparatus which is primarily designed to improve the heating or cooling efficiency of a dwelling unit, and which will be permanently affixed to an existing heating or cooling source, including but not limited to a flue damper, clock thermostat, filter, or replacement limit switches.

23. "Multi-family dwelling unit" means a dwelling unit which is located in a structure containing more than one dwelling unit.

24. "American-Indian" means a person who is a member of an Indian tribe.

25. "Number of low-income, owner-occupied dwelling units in the county" means the number of such dwelling units in a county, as determined by DES~~/OEO~~.

26. "Number of low-income, renter-occupied dwelling units in the county" means the number of such dwelling units in a county, as determined by DES/~~OEO~~

27. "OEO Director" means the Director of ~~Office of Economic Opportunity~~/Intergovernmental relations of the Department of Economic Security (~~OEO~~/DES).

28. "One perm" means a unit of permeance which will allow one grain of water vapor to pass per square foot per hour per inch of mercury vapor pressure difference, through a barrier.

29. "Rental dwelling unit" means a dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

30. "Separate living quarters" are those in which the occupants do not live and eat with any other persons in the structure and which have either (a) direct access from the outside of the building or through a common hall, or (b) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements

31. "Single-family dwelling unit" means a structure containing no more than one dwelling unit.

32. "State" means the State of Minnesota.

33. "Repair materials" means items necessary for the effective performance

or preservation of weatherization materials. Repair materials include but are not limited to, lumber used to frame or repair windows and doors which could not otherwise be caulked or weatherstripped, and protective materials, such as paint, used to seal materials installed under this program.

34. "Sub-grantee" means a weatherization project which receives a grant of funds awarded under this Rule from a grantee.

35. "Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of American Indians ~~Native Americans~~ which is controlled, sanctioned, or chartered by such governing body.

36. "Unit of general purpose local government" means any city, county, town, parish, village or other general purpose political subdivision of a state.

37. "Vapor barriers" means membranes used to retard vapor movement.

38. "Weatherization crew" means a group of weatherization crew ~~labors~~ laborers with a weatherization supervisor.

39. "Weatherization crew laborer" means a person that performs weatherization improvements and minor repairs on households eligible for assistance under this rule.

40. "Weatherization materials" means --

a. Caulking and weatherstripping of doors and windows:

b. Furnace efficiency modifications limited to --

(1) Replacement burners designed to substantially increase the energy efficiency of the heating system;

(2) Devices for modifying fuel openings which will increase the energy efficiency of the heating system; and

(3) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

c. Clock thermostats;

d. Ceiling, attic, wall, floor, and duct insulation;

e. Water heater insulation;

f. Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat reflective window and door materials; and

g. The following insulating or energy conserving devices or technologies --

(1) Skirting;

(2) Items to improve attic ventilation;

(3) Vapor barriers; and

(4) Materials used as a patch to reduce infiltration through the building.

41. "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient.

42. "Weatherization supervisor" means a person who inspects, analyzes, evaluates, and performs complicated weatherization and repair activities and is responsible for crew ~~laborer's~~ laborers' conduct, performance and weatherization crew laborer evaluations.

~~43. "Weatherization supervisor-crew-ratio" means one weatherization supervisor for each weatherization crew.~~

43. "Regional Clearinghouse" means the local Regional Development Commission which has the authority under Title IV of the Intergovernmental Cooperation Act of 1968.

D. Allocation of Funds

1. The Department of Economic Security/~~Division of Economic Opportunity~~ shall provide financial assistance to Community Action Agencies or other eligible agencies upon submissions and acceptance by DES/~~OEO~~ of ~~as work plan~~. an application as defined under Part H. The funds are available through ~~June 30, 1986~~. the end of the state fiscal year.

2. The DES/OEO shall determine the allocation for each county in accordance with the following formula:

a. $\frac{X + 2Y + Z}{4}$ = county's allocation

Where: X = the county's percent of State fuel type used (weighted average).

Y = the county's percent of State households with incomes less that $5,000.

Z = the county's percent of total State degree days.

~~The formula weights:~~

~~X --- 25%~~

~~Y --- 50%~~

~~Z --- 25%~~

b. The weighted average fuel-use factors, namely "x" (Ref. D 2a) was were determined using this formula:

$$\frac{10a + 9B + 8c}{3}$$

Where: a = number of household in county using natural gas.

b = number of households in county using propane.

c = number of households in county using fuel oil.

The number of households in each county using each type of fuel for space heating shall be based on data from the 1970 Census of Housing, Volume I, Part 25.

c. The low income factor for the formula shall be derived from the 1970 Census.

~~d. Degree-day data shall be based upon data from the National Oceanic Atmospheric Administration. Where more than one reading was available for a county, the readings shall be averaged; where no readings are available for a county an average of degree days for all surrounding counties shall be used.~~

E. American Indian Reservation Allocations. Counties with American Indian reservations shall proportion a ratio of their allocation to the reservations based on the number of American Indians in the reservations in that county as a percent of the total population in that county. This allocation shall be based on data from the 1970 Census.

F. Reallocation of funds. In the event there are unexpended State grant funds from this law at a local deliverer ~~at~~ on June 30, 1980 such unexpended funds shall be reallocated to all local deliverers using the allocation formula.

G. Eligible Applicants.

1. The Commissioner shall insure that funds received under this law shall be allocated to ~~a CAA or to other appropriate and qualified entities~~ local applicants in the geographical area so that funds are allocated to a geographical area served by a local applicant delivering the DOE Weatherization Program.

~~a. Funds are allocated to a geographical area served by a CAA~~ local applicant ~~delivering the DOE Weatherization Program; and~~

~~b. Priority in the allocation of funds will be given to a CAA in the in the geographical area the CAA does not normally serve.~~

2. Paragraph (1) ~~(a)~~ of this section shall not apply if the Commissioner, or the Director of Inter Governmental Relations, ~~or the OEO Director on behalf of the Commissioner,~~ determines on the basis of a public hearing, that the plan carried out by the ~~CAA~~ local applicant has been ineffective in meeting the purpose of the ~~statute~~ law. Notice of the public hearing shall be made 10 days prior to the hearing in two (2) local newspapers in the deliverers service area.

3. In making a determination pursuant to paragraph G.2. of this rule, the Commissioner, or ~~OEO Director~~ the Director of Intergovernmental Relations, ~~acting~~ on behalf of the Commissioner, shall evaluate the performance of the ~~CAA~~ local applicant and shall consider:

   a. The extent to which the weatherization project achieves the goals of the law in a timely fashion.

   b. The adherance to the plan developed by the ~~CAA.~~ local applicant.

   c. The quality of work performed.

   d. The number, qualifications, and experience of staff members.

   e. The ability to secure volunteers, training participants and public service employment workers, pursuant to CETA.

H. Local Applications

   1. To be eligible for financial assistance under this rule, a local applicant shall submit an application or plan, combining Federal DOE funds, State funds, and any other funds used to support the plan to the Commissioner not later than September 30 of each year. The Commissioner shall review each timely application and if the submission otherwise complies with the applicable provisions of this rule, approve a final budget and issue a notice of grant award.

   2. Each application shall include:

      a. The name and address of the local agency or office responsible for administering the program.

      b. A detailed description of the manner in which the minimum program requirements will be met which shall include the manner in which each such local agency or office shall develop and implement procedures to insure that:

         (1) Financial assistance provided under this rule will be used to supplement and not supplant Federal DOE funds.

         (2) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in this rule.

         (3) Priority through a documented needs assessment is given to identifying and providing weatherization assistance with first priority given to eligible fuel oil users, elderly and handicapped low-income persons. The documented needs assessment shall include the identifiable potential number of households which should be provided such assistance by county broken down into segmented categories: eligible elderly, handicapped, minorities, single family dwelling units, rental units, and types of fuel used.

c. The total number of dwelling units proposed to be weatherized with grant funds in total and by county served, from all sources during the budget period for which assistance is to be provided. First priority shall be to homes heated with fuel oil. The total number of dwelling units completed shall include no less that 25% elderly, 10% handicapped and 10% rental units.

d. The description of the outreach process used to obtain applications.

e. A schedule for implementation which shall indicate the number of dwelling units which are expected to be weatherized by month and a crew scheduling process used to efficiently complete the dwelling units.

f. A separate budget for Federal, State and other funds shall include a justification and explanation of any amounts requested for expenditures for materials, equipment, or tools. The budget categories shall be identified as Federal, State, and local.

g. An estimate by number and dollar amount of manpower from all sources to be used in implementing the weatherization plan.

(1) If the plan involves hiring weatherization crew labor, there must be a detailed explanation as to why CETA labor is not available or how crew labor supplements CETA labor already available and why it is needed. It must include how much labor is need, the number of job slots program funds will support, a job analysis for each labor slot and the size of the crews under which these slots shall be utilized.

(2) If the plan includes hiring weatherization crew supervision, it must include a comparable wage survey for similar job positions, a job analysis for the position, the number of such positions, the total cost or amount of the State funds that will be supporting the wage of the supervisor and what size crews the position will supervise. ~~The weatherization supervisory ratio shall apply to all crews.~~

h. There shall be mechanisms detailing the processes whereby the agency governing board of directors reviews and signs off on a quarterly assessment of the local project effectiveness before an application can be accepted.

i. ~~(1)~~ The plan shall be submitted for Regional Clearinghouse review.

I. Plan amendment. If the grantee determines that it cannot fulfill its obligations under the plan in whole or part, the grantee may request an amendment or revision of the existing approved plan and resubmit a new plan or amendments within 30 days after written notice of request for reconsideration. The request from the grantee must be in writing detailing its

specific views with supporting data and arguments.

J. Allowable expenditures.

1. To the maximum extent practical, the grant funds provided under this part shall be used for administration, ~~Administration,~~ the purchase of labor, supervision, materials, equipment, and/or tools and/or related matter. Allowable expenditures shall be limited to:

a. The cost of purchase, delivery and storage of weatherization materials. The cost, determined by a local deliverer which shall not exceed an average dollar value per dwelling unit established by that grantee in that grantee's plan, of:

(1) Transportation of weatherization materials, tools, equipment and work crews to a storage site and to the site of the weatherization work.

(2) Maintenance, operation and insurance of vehicles used to transporrt weatherization materials.

(3) Maintenance of tools and equipment.

(4) Purchase or lease of tools, equipment and vehicles except that any purchase over established amounts referred to in Federal Management and Budgets (OMB) and Federal Management Circulars (FMC) 73-4, FMC 74-4, and FMC 74-7 must have prior approval ~~of the State in every instance,~~ of DES, Tools and equipment acquired with grant funds provided under this part shall be the property of the grantee.

(5) The cost of employment of supervisory personnel.

(6) The cost of employment of weatherization crew labor.

(7) The cost not to exceed $100 per dwelling unit, of incidental repairs, including repair materials and repairs to the heating source necessary to make the installation of weatherization materials effective.

(8) Building permits where applicable.

b. The cost of liability insurance for weatherization projects for personal injury and property damage.

c. Allowable administrative expenses ~~include~~ limited to those ~~as spelled out~~ set forth in the grantee's approved plan.

d. Grant funds awarded under this part shall not be used for any of these purposes:

(1) To weatherize a dwelling unit which has been weatherized previously with grant funds from DOE and/or state assistance under ~~the law program or~~ this rule unless such dwelling unit has been damaged by fire, flood, or an act of God and repair of the damage to weatherization materials is not paid for by insurance.

(2) To weatherize a dwelling unit which is vacant or designated for acquisition or clearance by a Federal, State, or local government program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(3) To purchase cosmetic items or a heating or cooling source. No dwelling unit can be exclusively weatherized with only State funds. State funds must be spent in coordination with DOE funds.

K. Oversight responsibility.

1. The Commissioner, or the ~~OEO Director~~ Director of Intergovernmental Relations, on behalf of the Commissioner, shall monitor and evaluate the operation of projects carried out by the grantees receiving financial assistance under this part through on-site inspections, or through other means. ~~in order to insure the effective provision of weatherization assistance for the dwelling units of low income persons.~~

2. The DES/~~OEO~~ shall also carry out periodic evaluations of weatherization programs carried out by the grantee.

3. The Commissioner, the ~~OEO~~ Director of Intergovernmental Relations or appropriate DES/~~OEO~~ duly authorized representatives shall have access for the purpose of audit and examination, to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under ~~this act~~ the law.

4. The Commissioner shall conduct, on an annual basis, an audit of the pertinent records of any grantee receiving financial assistance under this part.

L. Record keeping. Each grantee receiving State financial assistance under this part shall keep such records as the Commissioner shall require, including records which fully disclose the amount and disposition by each grantee of funds received under this rule, the total cost of the weatherization project to implement the grantee plan for which such assistance was given or used, including all sources and amounts of funds for such project or program, and such other records as the Commissioner deems necessary for an effective audit and performance evaluation. Such record keeping shall be in accordance with Federal Management Circular 74-4 and any further requirements of this ~~Rule~~ rule or such requirements as the Commissioner may otdherwise establish ~~under the terms and conditions of the contratcs awarding grants under the rule~~ consistant with this rule.

M. Monthly reports. Each grantee receiving financial assistance under this part shall submit a monthly program performance report and a monthly

financial report to the Commissioner. The program performance report shall describe by stated priority: (a) The number of dwelling units weatherized, (b) The average cost per dwelling unit in State dollars under this rule, (c) The average cost per dwelling in Federal DOE funds, (d) The average cost per dwelling with all funds (State, DOE, and local), (e) Outreach efforts, (f) Any other information the Commissioner feels relevant, including information routinely submitted to the federal government in order to effectively monitor the progress of the grantee.

~~N. Energy consumption report. Each grantee shall develop and maintain a reporting system that~~ shall ~~will provide for the detection of any change in energy consumption in dwelling units which are weatherized by financial assistance pursuant from to the law and rule part. The information and supporting data must be annualized and submitted to the OEO Director in a report no later than February 1, 1980 of each year~~.

~~N.~~ O. Standards and techniques for weatherization. Only weatherization materials which meet or exceed the following standards shall be purchased with funds provided under this rule. The standards shall be:

Insulation-Mineral Fiber	
Blanket/Batt	Conformance to F.S. HH-I-521E and AST C 665-70
Board	Conformance to F.S.HH-I-526C and ASTM C612-70 or C726-72
Duct Material	Conformance to F.S. HH-I-558B
Loose-fill	Conformance to F.S. HH-I-1030A and ASTM C764-73
Insulation-Mineral Cellular	
Aggregate Board	Conformance to F.S. HH-I-529B
Cellular Glass	Conformance to F.S. HH-I-55IE and ASTM C552-73
Perlite	Conformance to F.S. HH-I-574A and ASTM C549-73
Vermiculite	Conformance to F.S. HH-I-585B and ASTM C516-67
Insulation-Organic Fiber	
Cellulose--Type I	Conformance to F.S HH-I-515C and ASTM C739-73 (Loose-fill)
Cellulose--Type II	Conformance to ASTM C739-73 (Loose fill) and fire safety requirements
Vegetable	Conformance to F.S. HH-I-528B and fire safety requirements
Board and Block	Conformance to F.S LLL-I-535A and ASTM C208-72 and fire safety requirements.

Insulation-Organic Cellular	
Polystyrene Board	Conformance to F.S. HH-I524B and ASTM C578-69 and fire safety requirements
Urethane Board	Conformance to F.S. HH-I-503A and ASTM C591-69 and fire safety requirements
Flexible Unicellular	Conformance to F.S. HH-I-573B and ASTM C534-70 and fire safety requirements
Insulation-Air Spaces	
Reflective	Conformance to F.S. HH-I-1252A
Storm Windows	
Aluminum Frame	Conformance to ANSI A134.3-1972
Wood Frame	Donformance to Section 3 of NWMA Industry Standard I.S.2-73
Rigid Vinyl Frame	Conformance to NBS Product Standard PS26-70 and performance guarantee
Frameless Plastic Glazing	Required Minimum Thickness, 6 mil (0.006 in.)
Storm Doors	
Aluminum	Equivalent to ANSI A134.4-1972
Wood	
Pine	Conformance Section 3 of NWMA I.S.5-73
Fir, Hemlock, Spruce	Conformance to Section 3 of FHDA/5-75
Hardwood veneered	Conformance to Section 3 of NWMA I.S.I-73
Rigid Vinyl	Conformance to NBS Product Standard PS26-70 and performance guarantee
Caulks and Sealants	Commercial Availability
Weatherstripping	Commercial Availability
Vapor Barriers	Conformance to ASTM c755-73
Materials used as a patch to reduce infiltration through the building	Commercial Availability
Clock Thermostats	Commercial Availability
Skirting	Commercial Availability

[2] F.S.--federal specification
[3] For fire safety requirements, see Section 2.1.3.1

2. A weatherization project shall apply the approaches to weatherization contained in Project Retro-Tech. DOE Conservation Paper No. 28, including

the energy conservation techniques therein.

3. Attics shall have ventilation added so there is at least 1 square foot of free air space for every 150 square feet of attic.

4. A.vapor barrier of 1 perm or more shall exist on all surfaces to be insulated except when there is existing insualtion.

O. P. Eligible dwellings. No dwelling unit shall be eligible for weatherization assistance under this part unless it is occupied by a family unit:

1. Whose income is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Federal Office of Management and Budget; or

2. Which contains a member who has received assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law during the 12 month period preceding the determination of eligibility for weatherization assistance.

P. Q. Granting process. Once the application for grant has been approved , the Commissioner shall notify the grantee of such approval and any conditions shall be thereto. A grant contract shall be signed by the Commissioner or ~~OEO~~ the Director of Inter-governmental Relations, and the authorized local agency representative. The grant contract shall indicate report requirements and other grant requirements shall be met prior to any obligation of funds. Payments on grant contracts shall be made on the basis of grantee activity in the program. Cash on hand in excess of 30 days program requirements shall not be delivered

Payments to grantees shall be reviewed in comparison to expenditures to determine cash needs. Expenditures shall be reported monthly on forms to be supplied by DES. Grantees shall be required to project next month's cash needs on the previous month's expenditure report.

Q. R. Fiscal responsibility. No funds shall be released to a grantee receiving financial assistance under this rule until it has submitted to the ~~OEO~~ Director of Intergovernmental Relations a statement certifying the assisted grantee has an established accounting system with internal controls adequate to safeguard their assets which has an operating efficiency and reliable account data, does promote operating efficiency and encourage compliance with prescribed management policies and has such additional fiscal responsibility and accounting requirements as the Intergovernmental Relations ~~OEO~~ Director may ~~establish~~ require consistent with these rules. The statement may be furnished by a Certified Public Accountant, a duly licensed public accountant, or in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency. ~~If the grantee does not have such a statement certifying its financial responsibility, it may receive funds under this rule until October 1, 1979, and must by October 1, 1979, submit to the OEO Director such a statement or be ineligible for further assistance until such certifying statement is submitted to the Director of Intergovernmental Relations~~

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

APPROVED AS TO FORM AND LEGALITY

FEB 13 1980 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY Joanne Hinderaker

SPECIAL ASSISTANT ATTORNEY GENERAL

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

ROLF MIDDLETON
Commissioner
Department of Economic Security

DATE: October 26, 1979

TO :

Attn: Charles Wrobel
Intergovernmental Relations Director

FROM : LEE E. SHEEHY
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Proposed Temporary Rules Governing State Weatherization Assistance For Low Income Persons

This office has not approved the above-captioned rules for the reasons enumerated below. Following agency consideration of these matters and appropriate action, if any, these rules may be resubmitted to this office.

The rules have not been approved for the following reasons:

1. 8 MCAR § 4.4010 B (8) appears to improperly circumvent the requirements of the Minnesota Administrative Procedure Act by providing a mechanism whereby procedures which impact on the rights of or procedures available to the public may be prescribed by DES/OEO without being promulgated as required by Minn. Stat. § 15.0411 et seq.

2. Section C (15) contains a reference to "FEA." Although this is probably understood by most readers to refer to the Federal Energy Agency, that fact should be spelled out in the rules. Further, the rule itself discusses the proper determination of "heating degree days" and designates FEA as the appropriate agency for making such a determination. However, Section D (2)(d) appears to imply that such data shall come from the National Oceanic Atmospheric Administration. If a conflict exists between these two provisions, that conflict should be resolved. Otherwise, this office is requesting an explanation from the agency concerning the compatibility of these two provisions.

3. Section C (18) refers to "Native Americans." However, Section C (24) uses the phrase "American Indian." These two phrases also appear frequently throughout the text of the rules. This inconsistency should be corrected unless it is required because of different terms of art used in federal and state law.

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4. Section C (19) defines the word "law" to mean specifically the agency's authorizing statute for those rules. However, Section C (21) (b) uses the word "law" in its generic sense as opposed to the narrow sense defined in Section C (19). Section J (1)(d)(1) uses "law" in the narrow sense as defined in sub-part 19. This confusion should be resolved.

5. Section C (21) does not refer to income in terms of "total" and/or "household" as does the statute. In order to avoid the appearance of varying the statutory requirements, one or both of these modifiers should be added between the word "that" and "income" in the first portion of Section C (21).

6. Section C (43) discusses a "ratio" which is also discussed elsewhere in the rules, including Section H (2)(g)(2). However, the rules never appear to actually establish a mathematically precise ratio. While this matter may not go to form and legality, it is one which causes confusion in the rule. The agency may wish to address this problem.

7. Section D (1) refers to a "work plan." In conversations with your staff, it appears that the work plan discussed therein is set forth in Section H (2). Because of the importance of this concept and the imprecision of the phrase "work plan", this office recommends that Section H (2) be referenced in Section D (1).

8. Section D (2) contains a formula which appears to weigh the three variables contained therein. Later in the rule, references to the weighing of those variables exists. According to your staff, the second weighing references are merely redundant and explanatory of the weighing which appears earlier in the algebraic equation. If this is correct, the redundance causes confusion and an appearance of double weighing. As such, the redundancy and confusion should be rectified.

9. Section D (2)(b) should refer to the variable which it defines, namely, "X" referred to in Section D (2)(a). Similarly, the verb form "was" is incorrect.

10. Section G (1) has a sub-part A in the text of the rules submitted to this office. However, in the text of the rules published in the State Register, there is also a sub-part B. If this matter is merely a typographical problem, it should be corrected. If the agency intends to delete sub-part B, an explanation should be given and the rule rewritten to incorporate the single remaining sub-part into the text of the entire rule.

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11. Section H (2)(h) contains a reference to a "Regional Clearing-House". In conversations with your staff, this office learned that this phrase was a term of art. However, for clarity of the rule, a definition should be contained in the definition section of the rule. Further, because there is no sub-part to the rule, it should be incorporated into the main body of the rule and the sub-part designation should be eliminated.

12. Section J (1)(a)(4) discusses the need for prior approval in the expenditure of certain funds into the program. A question arises as to the prior approval of whom. This question should be resolved.

13. Section J (1)(c) appears to imply that the grantee's approved plan includes a non-exclusive listing of allowable administrative expenses. However, in conversations with your staff, it appears that the listing in the grantee's approved plan is an exclusive listing. If so, an appropriate change should be made in the text of the rules.

14. Section L contains a clause in the last sentence which talks about additional requirements that the Commissioner may impose in grant award contracts. The phrase "under the rule" at the end of that sentence should be changed to "consistent with these rules" so as to eliminate any unfettered discretion of the Commissioner which could be implied from the language as presently drafted.

15. Section N differs from comment No. 1 submitted by the agency to this office in response to public criticism of the rules. Specifically the agency's comments indicate that the grantee will not be required to provide a reporting system for the detection of any changes in energy consumption in dwelling units weatherized under these rules. The comment instead implies that this obligation will be assumed by DES through a DES-funded study to sample affected dwellings. However, the rules still impose an obligation on the grantee to create a reporting system independent of the DES study. This inconsistency should be resolved. Finally, the reference to"February 1, 1980" should apparently be changed to"February 1 of each year" to conform to the annual report requirements beyond 1980 which the rule seems to mandate.

16. Section R should contain the phrase "consistent with these rules" following the language which permits the OEO Director to impose additional fiscal responsibility and accounting requirements on grantees.

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This change is necessary to provide standards to govern the conduct of the director and insure that the conduct is consistent with the law and these rules. Finally, Section R contains an effective date for certain responsibilities of October 1, 1979. This rule appears to create a retroactive effect. The Minnesota Supreme Court in Mason v. Farmers Insurance Companies, 281 N.W. 2d 344 (1979) held that rules, like statutes, are presumed to have no retroactive effect unless clearly and manifestly intended by the legislature to be retroactive. The agency must show such legislative intent or eliminate such retroactivity from the rules.

If you have any questions, do not hesitate to contact me.

LES/bw
cc: Ron O'Neil
Bill Brown
Duane Harves
Marshall Whitlock

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ADMIN 1000 (Rev. 1/78)

STATE OF M[redacted]ESOTA

DEPARTMENT Economic Security/Weatherization

Office Memorandum

TO : Joanne E. Hinderaker

DATE: February 5, 1980

FROM : Chuck Wrobel
Intergovernmental Relations Director

PHONE: 296-3885

SUBJECT: Proposed Temporary Rules Governing State Weatherization Assistance for Low-Income Program.

Enclosed please find the resubmission of rules previously reviewed by Lee Sheehy.

The rules have been changed in accordance with Lee Sheehy's memo. Each of the sixteen items he identified have been reviewed and corrected.

I hope these corrections meet the requirement of the Attorney General's Office. Please contact me if you have further need for clarification.

CW:cr
Enc.

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DEPARTMENT OF ECONOMIC SECURITY

Proposed Temporary Rule Governing Weatherization Assistance for Low-Income People

Request for Public Comment

Notice is hereby given pursuant to Minn. Stat. § 15.0412. subd. 5 (1978), that the Minnesota Department of Economic Security has proposed the following temporary rule governing the administration grants for the purpose of weatherizing the residences of low-income persons pursuant to Laws of 1979. Ex. Sess., ch. 2 § 37.

All interested may submit written comment or data on these rules to:

Alan L. Chapman, Weatherization Project Director
Minnesota Department of Economic Security
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Written statements submitted for consideration must be received by September 10, 1979. The proposed temporary rule may be modified if the modifications are supported by the data and views received by the Department. The Department shall submit to the Attorney General the proposed temporary rule as published, with any proposed modifications for review as to form and legality. The temporary rule shall take effect upon approval of the Attorney General.

The Department will publish at State Register the Attorney General's decision and the adopted temporary rule upon receipt of the Attorney General's decision.

Rolf Middleton
Commissioner

TEMPORARY RULE AS PROPOSED

8 MCAR § 4.4010 Minnesota Weatherization Assistance for Low-Income People.

A. Purpose. The purpose of this rule is to develop and implement a supplementary State weatherization assistance program under authority granted by Laws of 1979, Ex. Sess. ch. 2, § 37 to supplement the "United States Department of Energy Weatherization Assistance for Low-Income Persons" program 42-USC § 6861 to 6872 at prescribed levels in the dwellings of low-income persons in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

B. Administration of costs. Grants awarded under this part shall be administered in accordance with the following:

1. Federal Management Circular 73-2, 34 CFR 251, entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

2. Federal Management Circular 74-4, 34 CFR 255, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

3. Federal Management Circular 74-7, 34 CFR 256, entitled "Uniform Administrative Requirements for Grants-in Aid to State and Local Governments;"

4. Office of Management and Budget Circular A-89 entitled "Catalog of Federal Domestic Assistance;"

5. Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

6. Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

7. Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;"

8. Such procedures applicable to this part as DES/OEO may from time to time prescribe for the administration of grants;

9. U.S. Treasury Circular 1075.

C. Definitions. As used in this rule:

1. "Act" means the Energy Conservation and Production Act, Pub. L. 94-335. 90 Stat. 1125 et. seq., as amended

2. "Administrator" means the Administrator of the U.S. Department of Energy.

3. "CAA" means a Community Action Agency.

4. "CETA" means the Comprehensive Employment and Training Act of 1973, 42 U.S.C. 2731 et. seq., as amended

5. "Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452 as amended, which is authorized to administer funds received from Federal, State, local or private funding entities to assess, design, operate, finance and oversee anti-poverty programs.

6. "Commissioner" means Commissioner of the Department of Economic Security.

7. "Cosmetic items" means items which, when installed, will not reduce energy costs in a cost-effective manner, including, but not limited to finishes, decorative fenestration materials and elevation materials such as aluminum siding, board and bat, clapboard, brick, shakes, or asphalt siding.

8. "DES" means Department of Economic Security.

9. "DOE" means the United States Department of Energy.

10. "Dwelling unit" means a house, including a stationary mobile home, and apartment, a group of rooms, or a single room occupied as separate living quarters.

11. "Elderly Person" means a person who is 60 years of age or older.

12. "Family Unit" means all persons living together in a dwelling unit.

13. "Grantee means an entity named in the Notification of Grant Award as the recipient.

14. "Handicapped person" means any individual (a) who is a handicapped individual as defined in section 7(6) of the Rehabilitastion Act of 1973, (b) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (c) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code.

15. "Heating degree days" means a seasonal average of the climatological heating degree days for each weather station within a State, as determined by FEA.

16. "Heating or cooling source" means a device the operation of which can raise or lower temperatures within a dwelling unit as part of the permanent heating, ventilating and air conditioning system installed in the dwelling unit, including but not limited to furnaces, heat pumps, stoves, boilers, heaters, fireplaces, air conditioners, fans, and solar devices.

17. "Household" means the same as dwelling units.

18. "Indian tribe" means any tribe, band, nation or other organized group or community of Native Americans, including any Alaska native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L.92203;85 Stat. 688, which (a) is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans; or (b) is located on, or in proximity to a Federal or State reservation or rancheria.

19. "Law" means Minnesota Laws 1979, Ex. Sess. ch. 2, § 37.

20. "Local applicant" means a CAA or unit of general purpose local government.

21. "Low income" means that income in relation to family size which --

a. Is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

b. Is the basis on which cash assistance payments have been paid during the preceding 12 month period under Title IV and XVI of the Social Security Act or applicable State or local law.

22. "Mechanical equipment" means a control device or apparatus which is primarily designed to improve the heating or cooling efficiency of a dwelling unit, and which will be permanently affixed to an existing heating or cooling source, including but not limited to a flue damper, clock thermostat, filter, or replacement limit switches.

23. "Multi-family dwelling unit" means a dwelling unit which is located in a structure containing more than one dwelling unit.

24. "American-Indian" means a person who is a member of an Indian tribe.

25. "Number of low-income, owner-occupied dwelling units in the county" means the number of such dwelling units in a county, as determined by DES.

26. "Number of low-income, renter-occupied dwelling units in the county" means the number of such dwelling units in a county, as determined by DES.

27. "OEO Director" means the Director of Office of Economic Opportunity/ Department of Economic Security (OEO/DES).

28. "One perm" means a unit of permeance which will allow one grain of water vapor to pass per square foot per hour per inch of mercury vapor pressure difference, through a barrier.

29. "Rental dwelling unit" means a dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

30. "Separate living quarters" are those in which the occupants do not live and eat with any other persons in the structure and which have either (a) direct access from the outside of the building or through a common hall, or (b) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements

31. "Single-family dwelling unit" means a structure containing no more than one dwelling unit.

32. "State" means the State of Minnesota.

33. "Repair materials" means items necessary for the effective performance

or preservation of weatherization materials. Repair materials include but are not limited to, lumber used to frame or repair windows and doors which could not otherwise be caulked or weatherstripped, and protective materials, such as paint, used to seal materials installed under this program.

34. "Sub-grantee" means a weatherization project which receives a grant of funds awarded under this Rule from a grantee.

35. "Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Native Americans which is controlled, sanctioned, or chartered by such governing body.

36. "Unit of general purpose local government" means any city, county, town, parish, village or other general purpose political subdivision of a state.

37. "Vapor barriers" means membranes used to retard vapor movement.

38. "Weatherization crew" means a group of weatherization crew laborers with a weatherization supervisor.

39. "Weatherization crew laborer" means a person that performs weatherization improvements and minor repairs on households eligible for assistance under this rule.

40. "Weatherization materials" means --

    a. Caulking and weatherstripping of doors and windows:

    b. Furnace efficiency modifications limited to --

        (1) Replacement burners designed to substantially increase the energy efficiency of the heating system;

        (2) Devices for modifying fuel openings which will increase the energy efficiency of the heating system; and

        (3) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

    c. Clock thermostats;

    d. Ceiling, attic, wall, floor, and duct insulation;

    e. Water heater insulation;

    f. Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat reflective window and door materials; and

    g. The following insulating or energy conserving devices or technologies --

        (1) Skirting;

(2) Items to improve attic ventilation;

(3) Vapor barriers; and

(4) Materials used as a patch to reduce infiltration through the building.

41. "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient.

42. "Weatherization supervisor" means a person who inspects, analyzes, evaluates, and performs complicated weatherization and repair activities and is responsible for crew laborers' conduct, performance and weatherization crew laborer evaluations.

43. "Weatherization supervisor crew ratio" means one weatherization supervisor for each weatherization crew.

D. Allocation of Funds

1. The Department of Economic Security shall provide financial assistance to Community Action Agencies or other eligible agencies upon submission and acceptance by DES of a work plan. The funds are available through June 30, 1980.

2. The DES shall determine the allocation for each county in accordance with the following formula:

a. $\frac{X + 2Y + Z}{4}$ = county's allocation

Where: X = the county's percent of State fuel type used (weighted average).

Y = the county's percent of State households with incomes less that $5,000.

Z = the county's percent of total State degree days.

The formula weights:

X -- 25%

Y -- 50%

Z -- 25%

b. The weighted average fuel-use factor was determined using this formula:

$$\frac{10a + 9B + 8c}{3}$$

Where: a = number of household in county using natural gas.

b = number of households in county using propane.

c = number of households in county using fuel oil.

The number of households in each county using each type of fuel for space heating shall be based on data from the 1970 Census of Housing, Volume I, Part 25.

c. The low income factor for the formula shall be derived from the 1970 Census.

d. Degree day data shall be based upon data from the National Oceanic Atmospheric Administration: where more than one reading was available for a county, the readings shall be averaged; where no readings are available for a county an average of degree days for all surrounding counties shall be used.

E. American Indian Reservation Allocations. Counties with American Indian reservations shall proportion a ratio of their allocation to the reservations based on the number of American Indians in the reservations in that county as a percent of the total population in that county. This allocation shall be based on data from the 1970 Census.

F. Reallocation of funds. In the event there are unexpended State grant funds from this law at a local deliverer on June 30, 1980 such unexpended funds shall be reallocated to all local deliverers using the allocation formula.

G. Eligible Applicants.

1. The Commissioner shall insure that funds received under this law shall be allocated to a CAA or to other appropriate and qualified entities in the geographical area so that:

a. Funds are allocated to a geographical area served by a CAA delivering the DOE Weatherization Program, and

2. Paragraph (1)(a) of this section shall not apply if the Commissioner, or the Director of Inter Governmental Relations on behalf of the Commissioner, determines on the basis of a public hearing that the plan carried out by the CAA has been ineffective in meeting the purpose of the law. Notice of public hearing shall be made 10 days prior to the hearing in two (2) local newspapers in the deliverers service area.

3. In making a determination pursuant to paragraph G.2. of this rule, the Commissioner, or the Director of Inter Governmental Relations acting on behalf of the Commissioner, shall evaluate the performance of the CAA and shall consider:

   a. The extent to which the weatherization project achieves the goals of the law in a timely fashion.

   b. The adherance to the plan developed by the CAA.

   c. The quality of work performed.

   d. The number, qualifications, and experience of staff members.

   e. The ability to secure volunteers, training participants and public service employment workers, pursuant to CETA.

H. Local Applications

   1. To be eligible for financial assistance under this rule, a local applicant shall submit an application or plan, combining Federal DOE funds, State funds, and any other funds used to support the plan to the Commissioner not later than September 30 of each year. The Commissioner shall review each timely application and if the submission otherwise complies with the applicable provisions of this rule, approve a final budget and issue a notice of grant award.

   2. Each application shall include:

      a. The name and address of the local agency or office responsible for administering the program.

      b. A detailed description of the manner in which the minimum program requirements will be met which shall include the manner in which each such local agency or office shall develop and implement procedures to insure that:

         (1) Financial assistance provided under this rule will be used to supplement and not supplant Federal DOE funds.

         (2) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in this rule.

         (3) Priority through a documented needs assessment is given to identifying and providing weatherization assistance with first priority given to fuel oil users, elderly and handicapped low-income persons. The documented needs assessment shall include the identifiable potential number of households which should be provided such assistance by county broken down into segmented categories: elderly, handicapped, minorities, single family dwelling units, rental units, and types of fuel used.

Is this work plan?

c. The total number of dwelling units proposed to be weatherized with grant funds in total and by county served, from all sources during the budget period for which assistance is to be provided. First priority shall be to homes heated with fuel oil. The total number of dwelling units completed shall include no less that 25% elderly, 10% handicapped and 10% rental units.

d. The description of the outreach process used to obtain applications.

e. A schedule for implementation which shall indicate the number of dwelling units which are expected to be weatherized by month and a crew scheduling process used to efficiently complete the dwelling units.

f. A separate budget for Federal, State and other funds shall include a justification and explanation of any amounts requested for expenditures for materials, equipment, or tools. The budget categories shall be identified as Federal, State, and local.

g. An estimate by number and dollar amount of manpower from all sources to be used in implementing the weatherization plan.

(1) If the plan involves hiring weatherization crew labor, there must be a detailed explanation as to why CETA labor is not available or how crew labor supplements CETA labor already available and why it is needed. It must include how much labor is need, the number of job slots program funds will support, a job analysis for each labor slot and the size of the crews under which these slots shall be utilized.

(2) If the plan includes hiring weatherization crew supervision, it must include a comparable wage survey for similar job positions, a job analysis for the position, the number of such positions, the total cost or amount of the State funds that will be supporting the wage of the supervisor and what size crews the position will supervise. The weatherization supervisory ratio shall apply to all crews.

h. There shall be mechanisms detailing the processes whereby the agency governing board of directors reviews and signs off on a quarterly assessment of the local project effectiveness before an application can be accepted.

(1) The plan shall be submitted for Regional Clearinghouse review.

I. Plan amendment. If the grantee determines that it cannot fulfill its obligations under the plan in whole or part, the grantee may request an amendment or revision of the existing approved plan and resubmit a new plan or amendments within 30 days after written notice of request for reconsideration. The request from the grantee must be in writing detailing

specific views with supporting data and arguments.

J. Allowable expenditures.

1. To the maximum extent practical, the grant funds provided under this part shall be used for administration, the purchase of labor, supervision, materials, equipment, and/or tools and/or related matter. Allowable expenditures shall be limited to:

a. The cost of purchase, delivery and storage of weatherization materials. The cost, determined by a local deliverer which shall not exceed an average dollar value per dwelling unit established by that grantee in that grantee's plan, of:

(1) Transportation of weatherization materials, tools, equipment and work crews to a storage site and to the site of the weatherization work.

(2) Maintenance, operation and insurance of vehicles used to transporrt weatherization materials.

(3) Maintenance of tools and equipment.

(4) Purchase or lease of tools, equipment and vehicles except that any purchase over established amounts referred to in Federal Management and Budgets (OMB) and Federal Management Circulars (FMC) 73-4, FMC 74-4, and FMC 74-7 must have prior approval in every instance. Tools and equipment acquired with grant funds provided under this part shall be the property of the grantee.

Prior approval of whom?

(5) The cost of employment of supervisory personnel.

(6) The cost of employment of weatherization crew labor.

(7) The cost not to exceed $100 per dwelling unit, of incidental repairs, including repair materials and repairs to the heating source necessary to make the installation of weatherization materials effective.

(8) Building permits where applicable.

b. The cost of liability insurance for weatherization projects for personal injury and property damage.

c. Allowable administrative expenses include those as set forth in the grantee's approved plan.

d. Grant funds awarded under this part shall not be used for any of these purposes:

(1) To weatherize a dwelling unit which has been weatherized previously with grant funds from DOE or state assistance under the law or this rule unless such dwelling unit has been damaged by fire, flood, or an act of God and repair of the damage to weatherization materials is not paid for by insurance.

narrow law

(2) To weatherize a dwelling unit which is vacant or designated for acquisition or clearance by a Federal, State, or local government program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(3) To purchase cosmetic items or a heating or cooling source. No dwelling unit can be exclusively weatherized with only State funds. State funds must be spent in coordination with DOE funds.

K. Oversight responsibility.

1. The Commissioner, or the Director of Inter-governmental relations, on behalf of the Commissioner, shall monitor and evaluate the operation of projects carried out by the grantees receiving financial assistance under this part through on-site inspections, or through other means.

2. The DES shall also carry out periodic evaluations of weatherization programs carried out by the grantee.

3. The Commissioner, the Director of Inter-governmental Relations, or appropriate DES duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under the law

4. The Commissioner shall conduct, on an annual basis, an audit of the pertinent records of any grantee receiving financial assistance under this part.

L. Record keeping. Each grantee receiving State financial assistance under this part shall keep such records as the Commissioner shall require, including records which fully disclose the amount and disposition by each grantee of funds received under this rule, the total cost of the weatherization project to implement the grantee plan for which such assistance was given or used, including all sources and amounts of funds for such project or program, and such other records as the Commissioner deems necessary for an effective audit and performance evaluation. Such record keeping shall be in accordance with Federal Management Circular 74-4 and any further requirements of this rule or such requirements as the Commissioner may otherwise establish under the terms and conditions of the contracts awarding grants under the rule.

M. Monthly reports. Each grantee receiving financial assistance under this part shall submit a monthly program performance report and a monthly

financial report to the Commissioner. The program performance report shall describe by stated priority: (a) The number of dwelling units weatherized, (b) The average cost per dwelling unit in State dollars under this rule, (c) The average cost per dwelling in Federal DOE funds, (d) The average cost per dwelling with all funds (State, DOE, and local), (e) Outreach efforts, (f) Any other information the Commissioner feels relevant, including information routinely submitted to the federal government in order to effectively monitor the progress of the grantee.

N. Energy consumption report. Each grantee shall develop and maintain a reporting system that shall provide for the detection of any change in energy consumption in dwelling units which are weatherized by financial assistance pursuant to the law and rule. The information and supporting data must be annualized and submitted to the OEO Director in a report no later than February 1, 1980.

O. Standards and techniques for weatherization. Only weatherization materials which meet or exceed the following standards shall be purchased with funds provided under this rule. The standards shall be:

Insulation-Mineral Fiber	
Blanket/Batt	Conformance to F.S. HH-I-521E and AST C 665-70
Board	Conformance to F.S.HH-I-526C and ASTM C612-70 or C726-72
Duct Material	Conformance to F.S. HH-I-558B
Loose-fill	Conformance to F.S. HH-I-1030A and ASTM C764-73
Insulation-Mineral Cellular	
Aggregate Board	Conformance to F.S. HH-I-529B
Cellular Glass	Conformance to F.S. HH-I-55IE and ASTM C552-73
Perlite	Conformance to F.S. HH-I-574A and ASTM C549-73
Vermiculite	Conformance to F.S. HH-I-585B and ASTM C516-67
Insulation-Organic Fiber	
Cellulose--Type I	Conformance to F.S. HH-I-515C and ASTM C739-73 (Loose-fill)
Cellulose--Type II	Conformance to ASTM C739-73 (Loose fill) and fire safety requirements
Vegetable	Conformance to F.S. HH-I-528B and fire safety requirements
Board and Block	Conformance to F.S. LLL-I-535A and ASTM C208-72 and fire safety requirements

Insulation-Organic Cellular	
Polystyrene Board	Conformance to F.S. HH-I524B and ASTM C578-69 and fire safety requirements
Urethane Board	Conformance to F.S. HH-I-503A and ASTM C591-69 and fire safety requirements
Flexible Unicellular	Conformance to F.S. HH-I-573B and ASTM C534-70 and fire safety requirements
Insulation-Air Spaces	
Reflective	Conformance to F.S. HH-I-1252A
Storm Windows	
Aluminum Frame	Conformance to ANSI A134.3-1972
Wood Frame	Donformance to Section 3 of NWMA Industry Standard I.S.2-73
Rigid Vinyl Frame	Conformance to NBS Product Standard PS26-70 and performance guarantee
Frameless Plastic Glazing	Required Minimum Thickness, 6 mil (0.006 in.)
Storm Doors	
Aluminum	Equivalent to ANSI A134.4-1972
Wood	
Pine	Conformance Section 3 of NWMA I.S.5-73
Fir, Hemlock, Spruce	Conformance to Section 3 of FHDA/5-75
Hardwood veneered	Conformance to Section 3 of NWMA I.S.I-73
Rigid Vinyl	Conformance to NBS Product Standard PS26-70 and performance guarantee
Caulks and Sealants	Commercial Availability
Weatherstripping	Commercial Availability
Vapor Barriers	Conformance to ASTM c755-73
Materials used as a patch to reduce infiltration through the building.	Commercial Availability
Clock Thermostats	Commercial Availability
Skirting	Commercial Availability

F.S.--federal specification
For fire safety requirements, see Section 2.1.3.1

2. A weatherization project shall apply the approaches to weatherization contained in Project Retro-Tech. DOE Conservation Paper No. 28, including

the energy conservation techniques therein.

3. Attics shall have ventilation added so there is at least 1 square foot of free air space for every 150 square feet of attic.

4. A.vapor barrier of 1 perm or more shall exist on all surfaces to be insulated except when there is existing insualtion.

P. Eligible dwellings. No dwelling unit shall be eligible for weatherization assistance under this part unless it is occupied by a family unit:

1. Whose income is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Federal Office of Management and Budget; or

2. Which contains a member who has received assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law during the 12 month period preceding the determination of eligibility for weatherization assistance.

Q. Granting process. Once the application for grant has been approved , the Commissioner shall notify the grantee of such approval and any conditions shall be thereto. A grant contract shall be signed by the Commissioner or the Director of Inter-governmental Relations, and the authorized local agency representative. The grant contract shall indicate report requirements and other grant requirements shall be met prior to any obligation of funds. Payments on grant contracts shall be made on the basis of grantee activity in the program. Cash on hand in excess of 30 days program requirements shall not be delivered

Payments to grantees shall be reviewed in comparison to expenditures to determine cash needs. Expenditures shall be reported monthly on forms to be supplied by DES. Grantees shall be required to project next month's cash needs on the previous month's expenditure report.

R. Fiscal responsibility. No funds shall be released to a grantee receiving financial assistance under this rule until it has submitted to the OEO Director a statement certifying the assisted grantee has an established accounting system with internal controls adequate to safeguard their assets which has an operating efficiency and reliable account data, does promote operating efficiency and encourage compliance with prescribed management policies and has such additional fiscal responsibility and accounting requirements as the OEO Director may require. The statement may be furnished by a Certified Public Accountant, a duly licensed public accountant, or in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency. If the grantee does not have such a statement certifying its financial responxibility, it may receive funds under this rule until October 1, 1979, and must by October 1, 1979, submit to the OEO Director such a statement or be ineligible for further assistance until such certifying statement is submitted to the Director of Inter-governmental Relations.

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

DONALD E. SHANNON, Executive Dire

PROJECTS:

- Community Organization
- Head Start/Home Start
- CETA Youth Programs
- Family Planning
- Energy Program (Weatherization)
- Crisis Intervention (Home Fuel)
- Home Improvement Program
- Nobles County Transportation
- Volunteer Transportation Program
- Worthington Taxi Program
- Senior Community Service Employment
- Nobles County Volunteer Program

SOUTHWESTERN MINNESOTA
OPPORTUNITY COUNCIL, INC.

P.O. Box 393
1152 OXFORD STREET
WORTHINGTON, MINNESOTA 56187
TELEPHONE 376-4195 or 376-4196
Community Action Agency
Serving Murray, Nobles, Pipestone, Rock Counties

August 10, 1979

Ms. Beverly Gleeson, Director
Office of Economic Opportunity
690 American Center Bldg.
150 East Kellogg Blvd.
St. Paul, MN 55101

Dear Ms. Gleeson:

I am writing to comment on the proposed rules for the state weatherization program. We feel strongly that monitering of all homes weatherized for any change in fuel consumption is a waste of time. It is unquestionably established that insulating saves fuel. Reliable estimates are available for the amount of fuel saved for any given weatherization activity. Our past experience in obtaining fuel consumption reports is that it requires a great deal of effort for a number of reasons.

We suggest that fuel consumption records be kept on 10% of the homes weatherized. This would provide the necessary documentation without excessive paperwork.

Sincerely,

Chuck

Charles Anderson
Housing Director

CA/blh

Lakes & Pines Community Action Council, Inc.
EAST CENTRAL MINNESOTA'S ACTION OFFICE
INCLUDING AITKIN, CARLTON, PINE, KANABEC, MILLE LACS, CHISAGO AND ISANTI COUNTIES
129 WEST FOREST AVE. MORA, MINNESOTA 55051
Tel. 679-1800

August 10, 1979

Beverly Gleeson, Director
Office of Economic Opportunity
Minnesota Department of Economic Security
690 American Center Blgd.
160 East Kellogg Blvd.
St Paul, Minnesota 55101

Dear Ms. Gleeson:

Concerning the current Temporary Rule Governing Weatherization Assistance for Low-Income People -- State Allocation:

Section E states that American Indian Reservation allocations are to be administered by the Regional CAA's. It is far better in the interest of low-income reservation residents to have their own CAA receive directly from the State funds to procure weatherization support costs.

Direct allocation to the I-CAP will insure:

1. Equitable funding to provide services to that sector of our community that display a disproportionate number of low-income residents.
2. More accurate need assessment.
3. Tighter control and therefore efficient use of funds by the I-CAP.
4. Self determination in I-CAP budgetary needs.
5. Elimination of additional middlemen which will increase bureaucratic red tape.
6. Efficient monitoring.

The regional CAA's should not bare the responsibility of administering the funding allocations to other self contained and legally chartered Community Action Programs.

Sincerely,

Mark Canavan
Department of Energy
Community Service Administration
Program Director

MC:lk



6 AUG 1979

Mr. and Mrs. Mark Antcliff
329½ West 3rd Street
Duluth, Minnesota 55806

Dear Mr. and Mrs. Antcliff:

This is in response to Ms. Judy Lewis' letter of July 28, 1979, sent in your behalf. Enclosed is a fact sheet briefly explaining the Department of Energy's (DOE) Weatherization Assistance Program.

DOE makes grants to the States for the purpose of weatherizing the homes of low-income persons. In Minnesota the administering agency is the Office of Economic Opportunity, Department of Economic Security, 150 E. Kellogg Boulevard, 690 American Center Building, St. Paul, Minnesota 55101; telephone (612) 296-5706. You may contact that office for further information concerning the weatherization program in your area.

If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

/S/ Mary M. Bell

Mary M. Bell
Director
Office of Weatherization Assistance
State and Local Programs
Office of Assistant Secretary
Conservation and Solar Applications

Enclosure

cc: Office of Economic Opportunity

RED LAKE COMMUNITY ACTION AGENCY
Red Lake, Minnesota 56671
PHONE: 218 679-3336

action action action

COMMUNITY SERVICES ADMINISTRATION

West Central Minnesota Communities Action, Inc.

Box 3026 * Scofield Memorial Building * Elbow Lake, Minnesota 56531

Joyce Pesch
Executive Director

* (218) 685-4486 *

Lawrence Kopel
Board Chairman

August 28, 1979

Alan L. Chapman
Weatherization Project Director
Office of Economic Opportunity
Minnesota Department of Economic Security
690 American Center Building
160 East Kellogg Boulevard
St. Paul, MN 55101

Dear Mr. Chapman:

I'm writing in regard to the request for public comments on the proposed temporary rule governing Weatherization Assistance for low-income people in Minnesota.

The Governing Board of West Central Minnesota Communities Action, Inc is concerned about several points contained in these proposed rules and passed the attached resolution to be submitted as a public comment.

Sincerely,

Lawrence Kopel

Lawrence Kopel
Chairperson

LK/bms

COMMUNITY SERVICES ADMINISTRATION

West Central Minnesota Communities Action, Inc.

Box 3026 * Scofield Memorial Building * Elbow Lake, Minnesota 56531

Joyce Pesch
Executive Director

* (218) 685-4486 *

Lawrence Kopel
Board Chairman

A RESOLUTION

The Governing Board of West Central Minnesota Communities Action, Inc. fully supports Weatherization Assistance for low-income persons, and appreciates the commitment by the State of Minnesota to supplement Department of Energy Weatherization funds. However, we are concerned about the content of the proposed temporary state rules, and would like to see several points clarified in the final rules.

It was our understanding that the State funds would allow for some flexibility by the local projects, in order to make the program responsive to local needs and conditions. The proposed rules do not appear to allow for such flexibility at the local level, and do not encourage innovative local options.

In addition, the rules do not specify whether contractors may be used to deliver weatherization services. The Governing Board of West Central Minnesota Communities Action supports the utilization of a contractor delivery system in our area, for a number of reasons. The major point in support of the contractor delivery system is the fact that adequate numbers of C.E.T.A. funded positions are not available in this area.

Finally, we recommend that the allocation formula correspond to stated program priorities. At this time, the program places a priority on serving fuel oil users. However, the proposed allocation formula is weighted toward natural gas users. It would seem logical to make some provision for adjustments in the allocation formula to reflect changes in program priorities.

GOVERNING BOARD OF WEST CENTRAL
MINNESOTA COMMUNITIES ACTION, INC.
on August 28, 1979

State of Minnesota

INDIAN AFFAIRS INTERTRIBAL BOARD

N360 Griggs-Midway Building
1821 University Avenue
St. Paul, Minnesota 55104
Phone: (612) 296-3611

State Government Service Center
1705 West Highway #2
Bemidji, Minnesota 56601
Phone: (218) 755-3825

August 21, 1979

Alan L. Chapman, Weatherization Project Director
Office of Economic Opportunity
Minnesota Department of Economic Security
690 American Center Building
160 East Kellogg Blvd.
St. Paul, MN 55101

Dear Mr. Chapman:

Enclosed is a letter and some supporting documents that are self-explanatory relating to Item E (American Indian Reservation Allocations) of the Temporary Rule as Proposed Governing Minnesota Weatherization assistance for low-income people published Monday, August 20, 1979, in the State Register.

Mr. Wadena objects to the use of the 1970 Census in determining the allocations to the White Earth Indian Reservation because of the widespread agreement that the U.S. Census Bureau undercounted American Indians in 1970.

In October 1976, the White Earth Reservation Business Committee undertook a door to door enumeration of all Indian families on the reservation and those Indian families adjacent to the reservation in Clearwater, Mahnomen, and Becker Counties. The results are in the enclosed material. The data has been used by other government agencies in changing population figures for White Earth and we hope that, by use of this data, you will consider changing the formula used in the allocation of weatherization money to White Earth.

Sincerely yours,

Donald G. Gurnoe, Jr.
Executive Director

DGG/lk

cc: Darrell Wadena, Chairman, White Earth Reservation Business Committee
Joe Holt, Weatherization Coordinator, White Earth Indian Reservation

Darrell Wadena,
Chairman

Vernon Bellecourt,
Secretary/Treasurer

WHITE EARTH

RESERVATION
BUSINESS
COMMITTEE

P.O. Box 418
(218) 983-3285

WHITE EARTH, MINNESOTA 56591

August 14, 1979



Mr. George Baptiste
Indian Affairs Intertribal Board
555 Wabasha
St. Paul, Minnesota 55101

Dear George:

In reviewing the Guidelines for Minnesota Weatherization Assistance for Low Income People our Weatherization Coordinator, Joe Holt, has brought to my attention that the allocations are based on the 1970 Census data. I object to the use of the 1970 Census because it was inaccurate in the count of minority people, including reservation Indians.

In the fall of 1976 our reservation conducted its own door to door census (see attachments) and was successful in having our data recognized by the Bureau of Indian Affairs Chief Statistician, Louis Conger, in cooperation with the Office of Revenue Sharing. Since that time the Housing & Urban Development office has changed its population figures as has the Indian Health Service. Other government agencies have also changed the data they use.

Please review the attachments which include copies of Procedure Information on 1976 Indian Census, White Earth Reservation, a letter from Office of Revenue Sharing and the review of the Bureau of Indian Affairs Statistician and a copy of the booklet resulting from the census: Demographic Characteristics of White Earth Indian Reservation Households, 1976, Makepeace & Burdick.

I hope you can assist us in changing the data used by Minnesota Weatherization Assistance to increase the much needed and well spent weatherization money here at White Earth.

Sincerely,

Darrell Wadena

Darrell Wadena
Chairman

DW:ajs

District Representatives

DISTRICT I
Alfred Ray Fox

DISTRICT II
Brent Gish

DISTRICT III
George Fairbanks, Sr.

Warren Heisler Sr., Director of Operations

Germaine Riegert, Director of Administration

OFFICE OF THE SECRETARY OF THE TREASURY

OFFICE OF REVENUE SHARING
2401 E STREET, N.W.
COLUMBIA PLAZA HIGHRISE
WASHINGTON, D.C. 20226

17 MAR 1977

White Earth Reservation Business Committee
Priscilla A. Burdick
Census Director
White Earth, MN 56591

Account No. 24 6 003 575

Dear Ms. Burdick:

The Office of Revenue Sharing, in cooperation with the Bureau of Indian Affairs, has reviewed the printout of residents you supplied.

This information will be used in determining your July 1, 1975 reservation population for Entitlement Period 9 (October 1, 1977 - September 30, 1978) of revenue sharing. Next month this Office will mail a data form to all governments showing their 1975 population estimate. Your government will then have the opportunity to review its form for accuracy.

I am returning your printout as an enclosure to this letter. Please let me know if I can assist you further with your revenue sharing data.

Sincerely yours,

Matthew Butler

Matthew Butler, Manager
Data and Demography
Office of Revenue Sharing

Enclosure

3/12/77

White Earth (Minnesota) # 575

By letter dated February 15, Priscilla A. Burdick, Census Director of the tribe, transmitted to ORS a printout of persons found in a house to house survey in October 1976. The printout did not show names, but these were aided by hand, together with the county of residence if living on the reservation (those living off the reservation were on the printout but were not marked as to name or county (see note on page 1 of the printout, also confirmed by telephone conversation with Ms. Burdick on 3/11/77). The survey was carefully done, with instructions and training by a professor from Bemidji college.

A careful review and recount of the printout discloses 1,468 valid names in Becker county, 614 in Clearwater, 1080 in Mahnomen, and 210 off reservation, for a total of 3,372 on the printout.

These figures refer to October 1976. Backdating to July 1975 using births, deaths, and an estimate of net migration in each county (worksheet attached) shows estimates as of July 1, 1975 to be: 1,424 in Becker county, 599 in Clearwater, and 1,072 in Mahnomen.

The figures given in the second paragraph differ from those found by the tribe from the printout (1490, 614, and 1178) in two counties. My figures are based on those entered by the tribe on each page (in a few cases, the tribe did not enter the figures), with the following exceptions:

Page 29: I excluded 2 elderly non-Indians living in a foster home in Becker county, as not related to the Indian family in which they were living (Chester and Mabel Morrison). These are included in the off-reservation count of 210.

Page 113: A person living at the time of the survey but since deceased was omitted by the tribe, but counted by me (Angus Clark, Mahnomen county). A similar case on page 53 was counted by both the tribe and me (Dwight Johnson).

Page 119: The correct count is 25 in Becker and 1 in Clearwater, but the tribe had the figures reversed.

The tribal count comes to 120 more than my count, for on-reservation eligibles. The above notes explain only 3 of the difference. Apparently the tribe was counting only 90 people as off-reservation, but there are 210.

The printout has been marked to show members of the White Earth tribe (together with their official tribal number), members of other tribes, Indian dependents (presumably not yet enrolled), and non-Indian spouses.

Recommendation: Use the figures derived from the list: 1,424 in Becker county, 599 in Clearwater, and 1,072 in Mahnomen.

The printout is returned to ORS. If you do not need to keep it, I suggest returning it to Ms. Burdick. The names were entered by hand because the tribe did not want identification on the computer data, and the same reasoning would apply to this list.

Chief Statistician, BIA

575 WHITE EARTH

MINNESOTA

Revised 3/18/77

COUNTY DATA	Becker	Clearwater	Mahnomen
Net migration, all races, 70-75 (Census)	4.4%	6.9%	-2.1%
Estimated net annual migration Indian (1/10)	0.44%	0.69%	-0.21%
Indian population, 1970 Census	1,224	461	719
Natural increase, Indian, calendar yr (IHS):			
1970	2	10	11
1971	31	14	21
1972	19	-1	7
1973	39	10	11
1974	31	4	9
1975	15	13	6
Est. Indian migration, 7/70 to 7/73	71	26	42
7/73 to 7/75	58	16	18
Est. Indian migration, 7/70 to 7/73	16	10	-4
7/73 to 7/75	11	6	-2
Est. Indian pop. of County, 7/73	1,311	497	757
7/75	1,350	519	773
% increase Indian pop., 7/73 to 7/75	5.3%	4.4%	2.1%
DATA FOR RESERVATION			
Rev. sharing population, 7/73	958	253	583
Rev sharing population, 7/75 (in proportion to Indian pop. of County)	1,008	264	595

Backdate tribal list as of October 1976

Becker	Clearwater	Mahnomen	
1,468	614	1,080	as of 10/76
		change 15 months:	
-36	-10	-11	Int. Increase
-8	-5	+3	Migration
1424	599	1072	

COMPUTATION: 10 is 9/12 of 4, plus 5, 6, and ½ of 7. 11 is ½ of 7, plus 8 and ½ of 9. 12 is 2 times 3 tripled. 13 is 2 times 3 doubled. 14 is 3 plus 10 and 12. 15 is 14 plus 11 and 13. 16 is 17 times 15 over 14.

WHITE EARTH RESERVATION CENSUS, OCT. 1976 (Figures of L.H.Conger, Chief Statistician, BIA)

Revised 3/12/77

County Data - Minnesota -	Becker	Clear-water	Mahnomen
1. Net migration, all races, 70-75 (Census)	4.4%	6.9%	-2.1%
2. Estimated net annual migration Indian (1/10)	0.44%	0.69%	-0.21%
3. Indian population, 1970 Census (2404)	1,224	461	719
Natural increase, Indian, claendar yr (IHS)			
4. 1970	2	10	11
5. 1971	31	14	21
6. 1972	19	-1	7
7. 1973	39	10	11
8. 1974	31	4	9
9. 1975	15	13	6
10. 4/70 to 7/73	71	26	42
11. 7/73 to 7/75	58	16	18
12. Estimated Indian migration, 4/70 to 7/73	16	10	-4
13. 7/73 to 7/75	11	6	-2
14. Est. Indian pop. of County, 7/73 (2565)	1,311	497	757
15. 7/75 (2672)	1,380	519	773
16. % increase Indian pop., 7/73 to 7/75	5.3%	4.4%	2.1%
DATA FOR RESERVATION			
17. Rev. sharing population, 7/73 (1784)	958	253	583
18, Rev. sharing population 7/75 (1867)	1,008	264	595
(in proportion to Indian pop. of County)			

COMPUTATION* (over)

Backdate tribal list as of October 1976

Becker	Clear-water	Mahnomen as o
1,468	614	1,080 10/
	change 15 months	
-36	-10	-11 net decrea
-8	-5	+3 migr tio
1,424	599	1,072

(3095

COMPUTATION: 10 is 9/12 of 4, plus 5,6, and ½ of 7. 11 is ½ of 7, plus 8 and ½ of 9.
12 is 2 times 3 tripled. 13 is 2 times 3 doubled. 14 is 3 plus 10 and 12.
15 is 14 plus 11 and 13. 18 is 17 times 15 over 14.

1960 res. Indian pop. 2050

PROCEDURE INFORMATION ON 1976 INDIAN CENSUS, WHITE EARTH RESERVATION

Actual Dates: October 25, 1976 - December 1, 1976

The census questionaire and enumerator were designed by Dr James Makepeace, Ph.D., Bemidji State University. He also trained door to door census takers, did the computer programming, and analyzed the collected data.

The actual on the reservation work was done by six house to house census takers. Their work was coordinated by a census director at the White Earth C.A.P. Office, White Earth, Minnesota. The reservation was divided into six areas by township for more complete and accurate coverage. (See included map.)

The enumerator consisted of three to five pages depending on the number in the household. Page one was a cover page designed to:

1. identify the household
2. list the address and telephone
3. date census was taken
5. identify the census taker for each household
6. indicate whether the household was rural or village

Page two, three, and four are the actual body of the enumerator and asked these questions: (see enclosed enumerator)

1. Name
2. relationship to the head of the household
3. sex
4. age
5. birthdate
6. tribal affiliation
   a. state enrolled in (if enrolled)
   b. tribe affiliated with
7. Marital status
8. maiden name

Final page:
Letter of explanation of the census, written by the census director, a copy to be left at each home.

Who was included:
1. All Indian families on the reservation and those Indian families adjacent to the reservation in Clearwater, Mahnomen, and Becker counties.
2. Some Indian families were included from further out if they come to White Earth to utilize monies, medical help, or other facilities here.
3. All enrolled Indians were counted and those who had at least one enrolled parent.
4. Non-Indian spouses in Indian homes were included.

Those not counted:
1. U.S. Service People
2. permanently institutionalized persons
3. College and VoTech students.

Copies of the collected data are on file by numerical code at the White Earth C.A.P. Office, Box 274, White Earth, Minnesota 56591.

S. D. grant 1977 Hand book for decision makers
area F - 243 ✓ 1,794

Attachment 2

Population Calculations and Related Appeal Procedures

1. Federal Standards for Population Data.

The Office of Management and Budget issued Exhibit I as an amendment to Circular A-46 on June 6, 1975,"to assure use of standard data on total population for all Federal programs which make use of total population data in the distribution of Federal benefits."

The circular specifies that the most current Census Bureau estimates are to be used. Any exception must be justified to OMB and approved by them.

2. Population for Self-Determination Grants.

The above Federal standards apply to self-determination grants so long as population is a factor in determining the tribal funding shares.

Beyond 1970, there are no current Census estimates for Indian population; thus an exception must be approved by Office of Management and Budget.

The definition of population under which we will operate is as follows:

A. For tribes eligible for General Revenue Sharing we use the latest Revenue Sharing population figure for that tribe. The concept and definition are explained below.
B. For tribes not eligible for General Revenue Sharing we use an equivalent population.
C. In Oklahoma, an alternative figure is used if it is larger than the Revenue Sharing population. This is the Census figure for Indians belonging to the particular tribe in the former reservation area. The reason for this alternative is the absence of reservations over which the tribe has jurisdiction.

Rationale for the above definition is:

(1) The figures in (A) are already being used for distributrion of Federal funds to tribes.
(2) In the distribution of Revenue Sharing funds the population figure used in the population over which the tribe has jurisdiction and to what it provides substantial governmental services.
(3) The definition is generally consistent with the population specified in OMB Circular A-46; that is, the latest Census estimates.
(4) Census data for all tribes was gathered at the same time in a standard procedure, so that all tribes are on an equal footing so far as Census data are involved.
(5) If a tribe has good evidence that the figure is wrong, there is an appeal process. This is explained below under 5.

The tribal objection to this definition is that tribal jurisdiction extends beyond the reservation and the adjacent trust

land. The difficulty is to define geographic limits that are fair and for which good data can be secured as of a given time, so that all tribes can be treated equally. It should be mentioned that if the definitio of population were to be broadened, a tribe might increase its population figure, but it would not necessarily increase its share of the money to be distributed. That would depend on the increases or decreases in population figures of all other tribes.

3. Revenue Sharing Population.

The determination of population figures used in Revenue Sharing fund distribution is made on this basis of persons under the jurisdiction of a government and receiving substantial governmental services. For all local governments except Indian tribes the figures are U.S. Census estimates of the resident population within the boundaries of the jurisdiction.

The corresponding criteria for tribal govenments is:

A. Within the reservation boundaries, all resident Indians, whether living on trust land or not.
B. Adjacent to the reservation, only Indians residing on trust land pertaining to the tribe. Trust land means tribal, individual, or public domain trust land which is held for members of that tribe.

The Indians need not be members of the tribe; the critical question is residence. In addition, since 1975 non-Indian husbands and wives residing with Indians so counted above are also included in the population count. This is usually a small number, and often unknown. In Oklahoma there are no reservations (except Osage) and only Indians on trust land within the former reservation area are counted for Revenue Sharing. In Alaska Native villages the figure includes Alaska Natives resident in the village.

The Indian figures must be compatable with the Census data because all other local jurisdictions use Census data. In order to be eligible for participation in Revenue Sharing, the tribal government must be performing substantial governmental services for the population defined above. Determination of this point is made by the Tribal Government Services Division of the BIA under guidelines laid down by the Office of Revenue Sharing.

All Revenue Sharing populations are as of the latest available Census date. From 1972 to 1975 this was the 1970 Census (April 1970). In the spring of 1975 the reference date was shifted to July 1973 and all populations were estimeted as of that date. This will probably be shifted every 2 or 3 years from now on.

4. How Tribal Populations for Revenue Sharing are Determined.

When the General Revenue Sharing Act was passed in 1972 it was expected that the U.S. Census would provide all the population data, including that for Indian tribes.

However, the Census could not provide the information immediately according to the concepts and definitions given above for eligible tribes, so the BIA provided estimates using whatever Census data was available, and checking with the Area and Agency Offices.

All the population figures had to be subdivided by county, because one of the requirements set by Revenue Sharing was that the total Indian tribal count in a particular county could not exceed the Census figure for all Indians in the county. This was a limiting factor for some of the tribes.

The Census Bureau planned to make a detailed study and come up with revised 1970 tribal figures, but after working on the reservation maps and making a number of field trips they reported that the geographic problem was too difficult in those reservations which had not been previously mapped by Census or which involved trust land outside the reservation. Therefore, the 1970 figures as revised by the BIA were accepted by the Census Bureau. Of course, many of the BIA figures were mostly or entirely Census data, especially when the reservation had been mapped by Census.

The update of these figures to July 1973 was done by using data on Indian births and deaths in the county from Indian Health Service, and estimating net migration.

In Alaska 1970 population were taken from the Census, but the 1973 figures were derived from Alaska Native Claims members enrolled at the village in 1972.

5. Appeals of Tribal Population.

An appeal can not be based on an objection to the definitions and criteria of sections 2 and 3 above, but simply on the fact that the figure itself is not correct for that definition. The appeal is judged on whether the evidence submitted in support of another figure justifies replacement of the Census based figure.

In the case of Indian tribes, the usual evidence is a list of Indian residents within the reservation boundaries, together with Indians living on adjacent trust land pertaining to the tribe, and non-Indian spouses in those households. Information on the procedure employed in the survey and the date of the survey should be supplied.

If a tribal roll is used, the critical point often becomes the accuracy of determining who is actually resident on the reservation. Persons in nearby towns are not residents. Children away at elementary and secondary boarding schools are residents at the homes of their parents or gaurdians. College students and persons away on vocational training are considered adults and are resident at the school, not at the home of their parents.

When an appeal is based on a list of which has a different reference date than July 1973, (or a subsequently set reference date) the population determined from the list is adjusted to that date.

6. Who Gets the Appeal.

(a) If the tribe is eligible for Revenue Sharing, the appeal should be sent to the Office of Revenue Sharing. If at all possible, the residents should be shown for each county involved, because the Revenue Sharing amounts depend on the tribal population in each county of the reservation.

Tribal appeals received by Revenue Sharing are sent to the BIA for technical review and recommendations. The review centers on accuracy and conformity with the definitions; comparing with whatever similar data may be available checking the procedures by which the list was developed, the reliability of information on residence of those listed, etc. If accepted, the count often has to be adjusted to July 1973. The BIA recommendation may be to accept, to reject, or to ask for further documentation. This final decision is up to Revenue Sharing.

(b) If the tribe is not eligible for Revenue Sharing, the appeal should be sent to the Commissioner of Indian Affairs; attention Chief Statistician. It will be reviewed in the same way as described for (a) above.

(c) In the case of Oklahoma tribes, the appeal should be sent to Revenue Sharing if the appeal concerns only Indians living on trust land in the former reservation area. It should be sent to the BIA if it concerns the members of the tribe living anywhere within the former reservation area. Revenue Sharing uses the population figures derived by the first method; the BIA uses the larger of the two figures.

DEMOGRAPHIC CHARACTERISTICS OF WHITE EARTH INDIAN RESERVATION HOUSEHOLDS, 1976

By

Dr. James Makepeace
Sociology Department
Bemidji State University

and

Priscilla Burdick
White Earth Community
Action Program

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Household and Family Characteristics
Tribal Membership

APPENDICES .....

Appendix A Methodological Procedures
Appendix B Letter of Explanation
Appendix C Census Enumerator

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By Dr. James Makepeace

BACKGROUND OF THE STUDY

The purpose of the census was to determine the actual number of Indian persons living on or near the White Earth Indian Reservation in Minnesota, as well as the makeup of this population in terms of age, sex, household and family characteristics, and tribal membership (See Figure 1. for a map of the reservation).

Prior to this census the best source of demographic data available on the reservation was that of the United States Census Bureau. Census Bureau data is, however, subject to certain limitations. For example, it is a well known fact that the census count typically misses a certain segment of the population and that the size of the resulting undercount tends to be higher among racial minorities. The U.S. census also does not include specific information on race except for the WHITE and NEGRO categories, so precise figures on Indian people are not available. The best that can usually be done in rural reservation areas is to subtract figures for WHITE and NEGRO from the TOTAL count to get a figure called OTHER which includes primarily Indian persons, but is not a precise indication of the number of Indian persons.

For these reasons, and because the different language and cultural traditions of Indian people probably produce a low response rate to mailed questionnaires, it seemed to the conceptualizers of this project that a door to door census might provide needed and useful information.

It was anticipated that the results of the census would be useful for a variety of practical purposes, including market analysis, planning of facilities and programs, coordination of

figure 1.

WHITE EARTH INDIAN RESERVATION



====== County Line
Scale: 1 in. = 5 mi.

	MAHNOMEN COUNTY			CLEARWATER COUNTY	
Bejou	Gregory	Heier	Island Lake	Falk	Nora
Marsh Creek	Chief	Beaulieu	Clover		Minerva
Pembina	Rosedale	La Garde	Twin Lakes	La Prairie	Rice
Waubun	Lake Grove	Oakland	Elbow Lake		Unorganized Territory
		BECKER COUNTY			
Spring Creek	White Earth	Maple Grove		Round Lake	
Riceville	Callaway	Sugar Bush			Pine Point

the delivery of economic and social services, labor pool analysis, etc. In addition, the distribution of general revenue sharing funds is based upon U.S. Census Bureau statistics, and it was felt that a census which demonstrated the existance of a significant undercount of the reservation population might be useful as the basis of an appeal to the office of Management and Budget for adjustment of the reservation's share of general revenue funds.

METHODOLOGY

The census was conducted during the period of September 1976 to June 1977. About the first month of this time was devoted to pre-testing the census instruments, which included the household enumeration roster and the interview schedule. The pretesting included field administration of the instrument to a sample of 30 households within the target population and subsequent coding and trial analysis of the resulting data. The goal of the pre-test stage was to insure that the instrument would be effective in collecting the type of data desired, to test the intelligibility of the questions to the target population, and to "fine tune" the instruments to take account of any linguistic or cultural particulars of the target population. On the basis of the pre-test the instruments were revised into final form.

The second phase of the project included training the team of census takers and door to door collection of the census information. The census takers were themselves Chippewa Indians and residents of the White Earth Reservation.

After the census information had been collected it was coded, key-punched onto data cards, and computer analyzed. Computer analysis was carried out at the computer services facility of Bemidji State University.

The final phase, the write up and dissemination of the census report took place mainly during May and June of 1977.

Specific details of the methodology employed may be found in Appendix A. The explanatory letter and enumeration roster are contained in Appendices B and C respectively.

DEMOGRAPHIC CHARACTERISTICS OF WHITE EARTH INDIAN HOUSEHOLDS

The results of the census will be reported under the following five headings: Age and Sex Distribution; Distribution of Youth and Retirement Age Persons; Youth and Retirement Age; Household and Family Characteristics; and, Tribal Membership.

Age and Sex Distribution

A "pyramid" of the age and sex distribution of the population of persons residing in Indian households on or adjacent to the White Earth Indian Reservation is shown in Figure 2. (The actual figures are given in Table 1.) In this figure the percentage of males in each successive 5 year age group is shown on the left side and the percentage of females in each corresponding age group is shown on the right.

It can be seen from Figure 2. that there were 3372 persons living in Indian households (defined as a household in which one or more Indian persons resides) on or adjacent to the reservation during the period of October 25 to December 1, 1976. Fifty-two percent of this population was male (1752 males) and forty-eight percent was female (1620 females).

The broad base and narrow top of the pyramid reflects a relatively high birth rate combined with a relatively high death rate. The broad base of the pyramid (those in the "under 30" groups) reflects the so called "baby boom", although the two youngest cohorts are smaller, this corresponds to the recent national decline in the birth rate. The short age bars in the 30 to 45 age ranges probably reflect the reduced birth rates of the depression and WWII years.

figure 2. POPULATION PYRAMID OF WHITE EARTH RESERVATION INDIAN HOUSEHOLDS, 1976

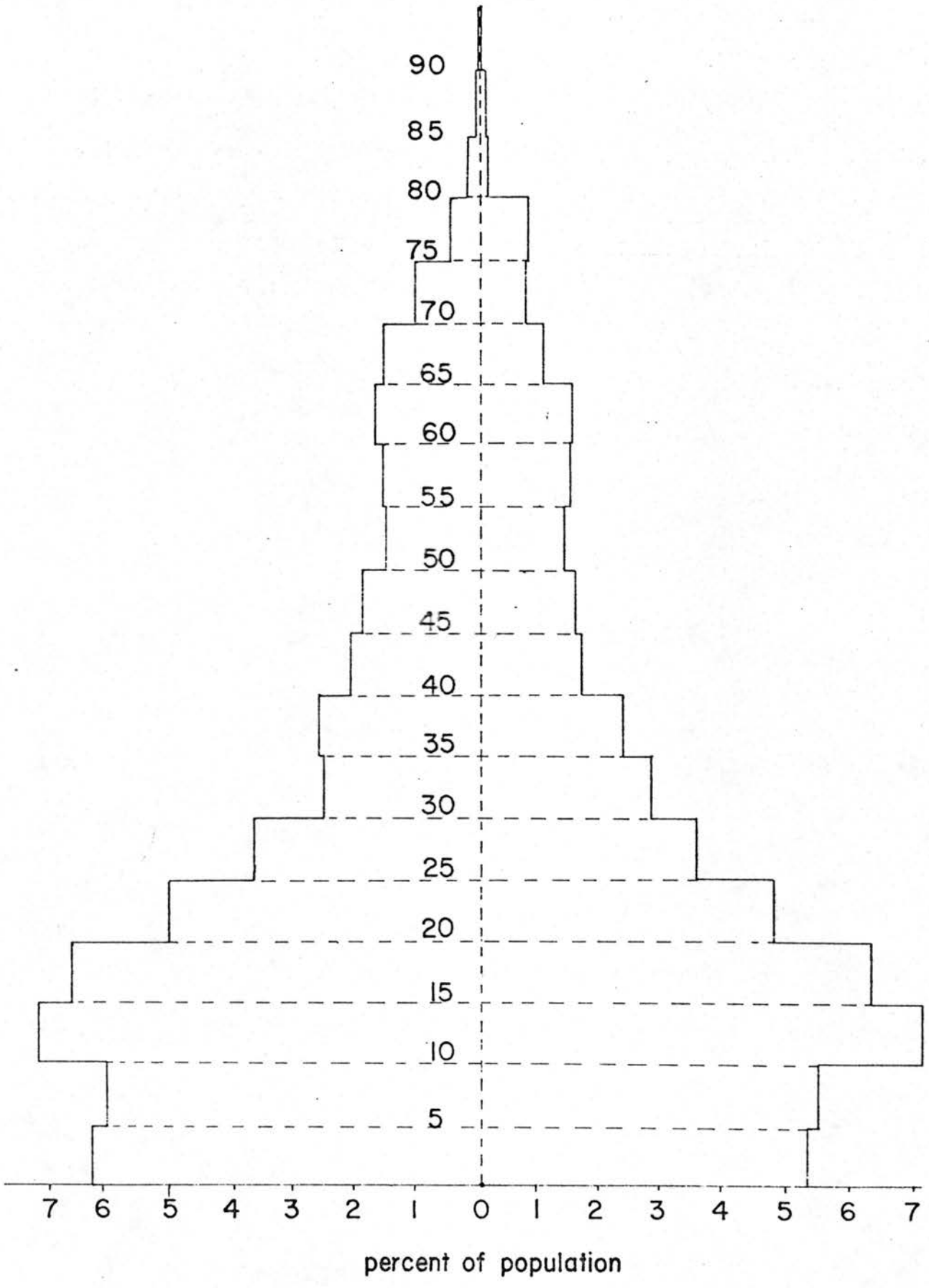


Table 1. Age and Sex Distribution of White Earth Population, 1976.

Age	Male		Female	
	#	%	#	%
Under 5	208	6.16	178	5.27
5-9	199	5.90	181	5.36
10-14	240	7.11	240	7.11
15-19	223	6.61	211	6.25
20-24	171	5.07	160	4.74
25-29	123	3.64	120	3.55
30-34	83	2.46	95	2.81
35-39	90	2.66	79	2.34
40-44	71	2.10	55	1.63
45-49	67	1.98	56	1.66
50-54	50	1.48	47	1.39
55-59	50	1.48	49	1.45
60-64	59	1.74	50	1.48
65-69	51	1.51	35	1.03
70-74	36	1.06	23	.68
75-79	16	.47	25	.74
80-84	10	.29	8	.23
85-89	4	.11	6	.17
90 or older	1	.02	2	.05
Total	1752	51.96	1620	48.04

The pyramid is typical in the higher percentage of males than females among the very young. Thus, 6.1% of the population is composed of males in the under 5 group, while only 5.2% of the population is composed of females in this age group. This undoubtedly reflects the fact that at birth the sex ratio in the United States is approximately 106 --- that is, there are approximately 106 male births for every 100 female births.

The pattern among the elderly, by contrast, is somewhat atypical. Generally, the life expectancy for females is somewhat higher than for males in the United States and there is, therefore, a higher percentage of elderly females than elderly males. In the present population, however, 3.4% of the population is composed of males over 65 years of age, whereas only 2.9% is composed of females over 65.

Youth and Retirement Age

The percentage of youth and retirement age persons in a population gives a good indication of the demand for public social services that an area will experience, since the people who make the greatest use of social services are concentrated in these ages. That is, this segment of the population tends to have greater dependence on the remainder of the population.

The data of this census indicate that nearly half (49.8%) of the residents of White Earth Indian households are under 20 years of age, and 6.3% are 65 or older. Thus, a total of 56.1% of the population is made up of people in the relatively dependent age groups. This is a high percentage of persons in the "dependent" age groups and probably indicates a considerable demand for social

services, especially services for the young. As a basis for comparison, it can be pointed out that only 36.5% of the state of Minnesota's population was projected by the Minnesota State Demographer to be in the under 20 age groups in 1975 and 11% was projected to be in the 65 and over group.

Household and Family Characteristics

The distribution of White Earth households by size is as follows:

Number of Members	Number of Households With This Number of Members	Percent
1	124	14.3
2	162	18.7
3	132	15.2
4	170	19.6
5	97	11.2
6	76	8.8
7	38	4.4
8	28	3.2
9	14	1.6
10	10	1.2
11	5	.6
12	3	.3
13	4	.5
14	0	0.0
15	3	.3
Total	866	100.0

White Earth Indian households thus range in size from 1 to 15, with 124 households containing the minimim of 1 member and 3 households containing the maximum of 15 members. The modal (most frequent) household size is 4, with 2 being the next most frequent size. Smaller households clearly predominate (79.1% of the households contained 5 or fewer members) and large households are clearly the exception (only 1.7% of the households contained more than 10 members). The average household size was 3.9.

The distribution of members of this population by marital status is indicated below.

Marital Status	Number	Percent
Married	1078	32.0
Widowed	127	3.8
Divorced	106	3.1
Separated	73	2.2
Never Married	1988	59.0
Total	3372	100.0

These figures show that while most adult residents of White Earth Indian households are married, a high proportion of families have also been disrupted through death, divorce, or separation. Thus, 78% of those who had ever been married reported that they were married at the time of the census. The most common cause of marital disruption in this population appears to have been the death of the spouse, since 41.5% of the persons in the categories of formerly married persons reported that they were widowed.

Tribal Membership

Earlier in this report it was indicated that this census included all persons living in households containing one or more Indian residents. Of the 3372 persons living in such households, 90.8% (3061) indicated that they were members of an American Indian tribe. The remaining 9.2% were primarily non-Indian spouses of Indian persons and adoptive or foster families of Indian children.

As would be expected, most of the residents of White Earth Indian households were members of the Minnesota Chippewa tribe

since White Earth is a Chippewa reservation. A significant number also indicated membership in the Wisconsin Oneida and South Dakota Sioux tribes, however, and an additional 37 persons indicated membership in 11 other tribes. Tribal membership in order of descending frequency is indicated below.

Tribe	Number	Percent
Minnesota Chippewa	2942	87.2
Wisconsin Oneida	48	1.4
South Dakota Sioux	39	1.2
Montana Blackfeet	11	.3
New York Oneida	10	.3
Oklahoma Cherokee	5	.1
Wisconsin Chippewa	3	.1
North Dakota Sioux	2	.1
Minnesota Cherokee	1	.03
North Dakota Cherokee	1	.03
North Dakota Chippewa	1	.03
Montana Sioux	1	.03
Iowa Sac n Fox	1	.03
Wyoming Shoshone	1	.03
Non Indian	306	9.1
Total	3372	100.0

CONCLUDING COMMENTS

The most significant finding of the census is the large number of persons living on or adjacent to the White Earth Reservation. Previous figures indicated a reservation population of 1794 and a service population of 297. In the present census the population was found to be 3372. This finding served as the basis for a successful appeal to the U.S. Office of Revenue Sharing for a proportionate increase in Revenue Sharing funds. This has meant direct benefits to the Indian residents and families on the reservation in terms of increased funding of social services.

On this basis alone the study has been successful. The results of the census have been useful in other respects as well, however. The results (which have only been available in the form of raw computer printouts up to now) have already proven useful in providing data for the Annual Labor Force Report, for a reservation profile for a law enforcement project, in the planning and updating of Head Start, Day Care, and Public Health services, and for the planning of reservation ambulance routes. The accurate and reliable data which the census has provided will certainly enhance the effectiveness of such planning efforts. It is hoped that the results will be of even greater usefulness following their circulation in the present report.

The White Earth Census has also served as a model for other Minnesota Chippewa Tribe reservations, several of which have expressed interest in conducting similar projects.

The foregoing results indicate that substantial benefits have accrued from the project, this suggests the desirability of repeating the census periodically. In this way reliable and current information on the White Earth Reservation can be maintained.

APPENDIX A

PROCEDURE INFORMATION ON 1976 INDIAN CENSUS, WHITE EARTH RESERVATION

The census questionnaire and enumerator were designed by Dr. James Makepeace, Ph.D., Bemidji State University. He also trained door to door census takers, supervised the data analysis, and drafted the report.

The actual on the reservation work was done by six house to house census takers during the monthes of October and November of 1976. Their work was coordinated by Priscilla Burdick who functioned as census director at the White Earth Community Action Program office in White Earth, Minnesota. The reservation was divided into six areas by township for more complete and accurate coverage (See included map).

The enumerator consisted of three to five pages depending on the number of people in the household. Page one was a cover page designed to:

1. Identify the household.
2. List the address and telephone number.
3. Date that census was taken.
4. Identify the census taker for each household.
5. Indicate whether the household was rural or village.

Page two, three, and four are the actual body of the enumerator and asked these questions: (See enclosed enumerator)

1. Name.
2. Relationship to the head of the household.
3. Sex.
4. Age.
5. Birthdate.
6. Tribal affiliation:
   a. State enrolled in.
   b. Tribe affiliated with.
7. Marital Status.
8. Maiden Name.
9. Number of People in the household.

The final page contained a letter of explantion of the census, written by the census director. A copy was left in each home.

Who was included in the census:

1. All Indian families on the reservation and those Indian families adjacent to the reservation in Clearwater, Mahnomen, and Becker counties.

2. Some Indian families were included from further out if they come to White Earth to utilize monies, medical help, or other facilities here.

3. All enrolled Indians were counted and those who had at least one enrolled parent, or were the dependent of an enrolled Indian.

4. Non-Indian spouses in Indian homes were included.

Those not Counted:

1. U.S. Service People.
2. Permanently institutionalized persons.
3. College and VoTech students.

APPENDIX B

October 19, 1976

White Earth Reservation Business Committee
P.O. Box 274
White Earth, MN 56591

To All Enrolled Tribal Members:

The White Earth Business Committee is conducting an official census of the White Earth Reservation as part of the overhaul of our budget system.

We need to know the exact number of enrolled members of the tribe living on the reservation as verification for our application for more federal funds. We believe the current figures of the 1970 federal census are short by 40%.

It is greatly to your benefit to be as accurate and helpful as you can to our census takers. If you know of any friends or relatives who haven't been counted please contact the census taker or the White Earth Reservation Business Committee at White Earth, MN 56591, or call 983-3285. It is very important that we reach everyone.

The net result of this project will mean faster help for you and more money on the reservation. Thank you for your cooperation.

Sincerely yours,

Priscilla Burdick
Census Director

APPENDIX C

1976 Indian Census: White Earth Reservation

Name _____

Address _____

Telephone _____

Date _____

Census Takers Name _____

Reservation District 1 2 3 (Circle One)

Rural _____ Village _____

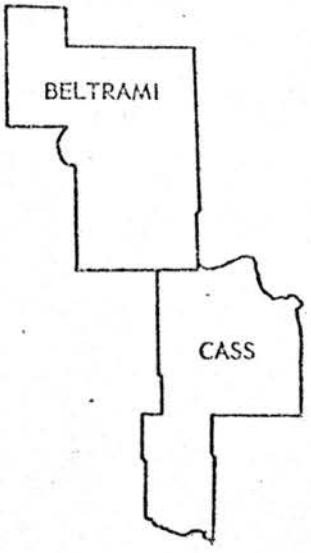
Identification Number _____

HOUSEHOLD ENUMERATION ROSTER

	01	02	03	04
NAME OF PERSON	Last Name	Last Name	Last Name	Last Name
	First Name	First Name	First Name	First Name
RELATIONSHIP TO HEAD	Relationship	Relationship	Relationship	Relationship
SEX OF PERSON	1__ 2__ M F	1__ 2__ M F	1__ 2__ M F	1__ 2__ M F
AGE AT LAST BIRTHDAY Enter X if under one Year	Age_____ Under 1 Year___	Age_____ Under 1 Year___	Age_____ Under 1 Year___	Age_____ Under 1 Year___
DATE OF BIRTH	Mo. Day Yr. __ __ __	Mo. Day Yr. __ __ __	Mo. Day Yr. __ __ __	Mo. Day Yr. __ __ __
TRIBAL MEMBERSHIP	1__ 2__ Yes No	1__ 2__ Yes No	1__ 2__ Yes No	1__ 2__ Yes No
	State	State	State	State
	Tribe	Tribe	Tribe	Tribe
CURRENT MARITAL STATUS	1_Married 2_Widowed 3_Divorced 4_Separated 5_Never Married	1_Married 2_Widowed 3_Divorced 4_Separated 5_Never Married	1_Married 2_Widowed 3_Divorced 4_Separated 5_Never Married	1_Married 2_Widowed 3_Divorced 4_Separated 5_Never Married
MAIDEN NAME (Married Females)	Maiden Name	Maiden Name	Maiden Name	Maiden Name

NUMBER OF PERSONS IN HOUSEHOLD _____

BI-COUNTY COMMUNITY ACTION COUNCIL, INC.
209½ Third Street
Post Office Box 553
BEMIDJI, MINNESOTA 56601
Telephone 218 751-4632



BOARD CHAIRMAN
MAHLON SWENTKOFSKE
BOARD VICE-CHAIRMAN
THERESA KNAPP
BOARD SECRETARY
MARIE SMITH
BOARD TREASURER
BRUCE ENGEN
EXECUTIVE DIRECTOR
MICHAEL B. EKRE
DEPUTY DIRECTOR
MICHAEL D. PORT



August 21, 1979

Ms. Bev Gleeson
Governor's Manpower Office
Economic Opportunity Division
690 American Center Building
St. Paul, MN 55101

Dear Ms. Gleeson:

Enclosed is a copy of the information that I presented to the CAP Directors at our most recent meeting dealing with the allocation of DOE III and, in addition, a copy of the Count of Families by Ratio of Income To Poverty Level from the 1970 Census, fourth count of Minnesota General Characteristics.

In order to point out the lack of validity of the current formula make a comparison of the funding levels and number of low-income people and families of Bi-County, Inter-County, and Northwest, and also if you would compare Otter tail Wadena, West Central, and Mahube, the various inaccuracies in the current formula should be clear. I use these agencies because of the demography that is very similar in terms of climate and fuel use which demonstrates that the problem with the formula is probably in the use of households with incomes less than $5,000.

If you will also please note, the OEO poverty guidelines, effective December 1, 1970, you will see that eligible families of five or more were not included in the over $5,000 figure and that there were ineligible families of size one thrpugh five who could have been in the under $5,000 figure.

Please note on Table 1, the total number of families of income under $5,000 is 171,962, while the actual number of low-income families was only 75,923, and the number of low-income families less than 125% of poverty was 115,927. (On the handout at the CAP Directors' meeting, I indicated $110,243 which is incorrect.)

In looking at these figures, over one-third of the families distributed by the current formula were ineligible for the program even in 1970 incomes. I would think that the allocarion formula would reflect eligible households.

The figures contained in this data are based on eligible families which assumes that they have homes either owned or rented, however, it would be my recommendation that a formula be based on eligible households and that we request the State Planning Agency to deal with those numbers in estimated 1979 figures and use those figures rather than the 1970 outdated census.

If you have any questions regarding the above, please call.

Sincerely,

Michael B. Ekre

Michael B. Ekre
Executive Director

MBE/aks

Enclosures

	Low Income Population 1970 (census)	Low Income Population 1977 (M.A.C.)	DOE III Funding Level	$ Per Capita
Bi-County	9,644	12,063	177,521	18.41
Anoka	6,008	7,562	169,067	28.14
Arrowhead	13,253	14,389	304,322	22.96
Clay-Wilkin	6,355	6,914	143,708	22.61
Duluth	11,478	10,910	211,335	18.41
GRW	10,176	11,940	228,242	22.43
Inter-County	6,771	6,607	211,335	31.21
Kooch-Itasca	7,477	8,557	177,521	23.74
Mahube	9,251	10,690	211,335	22.84
Northwest	4,895	5,690	194,428	39.72
Ottertail-Wadena	10,735	11,908	194,428	18.11
Prairie V	11,919	12,023	295,869	24.82
Scott-Carver	4,991	6,304	295,869	59.28
Southwestern	9,682	9,472	236,695	24.45
Tri-Valley	8,226	9,048	177,521	21.58
West Central	10,846	11,712	287,415	26.50
Western	9,489	14,197	312,775	32.96
Wright	4,749	6,200	109,894	23.14

	Low Income Population 1970 (census)	Low Income Population 1977 (M.A.C.)	DOE III Funding Level	$ Per Capita
Lakes & Pines	15,677	18,749	574,830	36.67
Minneapolis	50,543	44,425	989,045	19.57
Minn Valley	19,946	28,978	667,817	33.48
RAP	34,357	33,559	608,644	17.72
6E	13,651	14,823	321,229	23.53
SEMCAC	16,260	17,265	735,445	45.23
Tri-County	16,834	18,644	312,775	18.58
Tri-CAP	19,114	23,392	304,322	15.92

ALLOCATION OF FUNDS

A. The DES/OEO shall provide financial assistance from sums appropriated this fiscal year, only upon an annual application.

B. The DES/OEO shall determine the allocation for each county as follows:

1. $\frac{X + 2Y + Z}{4}$ = county's allocation

Where: Z = the county's percent of State fuel type used (weighted average).

Y = the county's percent of State households with incomes less than $5,000.

Z = the county's percent of total State degree days.

The formula weights:

1. Type of fuel used - 25%
2. Low-income households - 50%
3. State degree days - 25%

2. The weighted average fuel-use factor was determined using this formula:

$$\frac{10a + 9B + 8c}{3}$$

Where: a = number of households in county using natural gas.

b = number of households in county using propane.

c = number of households in county using fuel oil.

The number of households in each county using each type of fuel for space heating is based on data from the 1970 Census of Housing, Volume I, Part 25.

3. The low income factor for the formula came from the 1970 Census. This factor was determined by using the number of owner-occupied homes where income was less than $5,000 in each county as a percentage of the State total.

4. Degree days factor was based upon data provided by the National Oceanic Atmospheric Administration.

The degree day data was processed in this manner:

a. Where more than one reading was available for a county, the readings were averaged.

b. Where no reading was available for a county an average of degree days for all surrounding counties was used.

OEO Poverty Guidelines
for all States except Alaska and Hawaii

Family	Non-Farm		Farm	
	100%	125%	100%	125%
1	1,900	2,375	1,600	2,000
2	2,500	3,125	2,000	2,500
3	3,100	3,875	2,500	3,125
4	3,800	4,750	3,200	4,000
5	4,400	5,500	3,700	4,625
6	5,000	6,250	4,200	5,250
7	5,600	7,000	4,700	5,875

TABLE I

FAMILY INCOME, BY RESIDENCY, FOR THE
STATE OF MINNESOTA, 1970

	Residence							
	Urban		Rural		Farm		State Totals	
Income Category	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Under $ 1,000	7,274	1.2	4,109	2.1	5,477	4.6	16,860	1.8
$ 1,000-$ 1,999	11,049	1.8	9,446	4.8	5,998	5.1	26,493	2.9
$ 2,000-$ 2,999	18,522	3.1	11,845	6.0	9,116	7.7	39,483	4.3
$ 3,000-$ 3,999	21,932	3.6	12,113	6.2	10,214	8.6	44,259	4.8
$ 4,000-$ 4,999	22,758	3.8	11,755	6.0	10,354	8.7	44,867	4.9
$ 5,000-$ 5,999	24,181	4.0	13,356	6.8	10,492	8.8	48,029	5.2
$ 6,000-$ 6,999	28,330	4.7	14,666	7.5	9,055	7.6	52,051	5.6
$ 7,000-$ 7,999	34,797	5.7	16,946	8.6	8,774	7.4	60,517	6.6
$ 8,000-$ 8,999	41,787	6.9	16,813	8.5	7,813	6.6	66,413	7.2
$ 9,000-$ 9,999	44,394	7.3	15,284	7.8	6,598	5.6	66,276	7.2
$10,000-$11,999	93,540	15.4	26,154	13.3	11,531	9.7	131,225	14.2
$12,000-$14,999	106,370	17.6	21,947	11.2	9,563	8.1	137,880	15.0
$15,000-$24,999	119,119	19.7	17,934	9.1	9,975	8.4	147,028	16.0
$25,000-$49,999	26,576	4.4	3,698	1.9	3,267	2.8	33,541	3.6
$50,000 and over	5,239	.9	717	.4	454	.4	6,410	.7
TOTAL	605,368	100.1	196,783	100.2	118,681	100.1	921,332	100.0
MEDIAN RANGE	$ 10,000		$ 8,000		$ 6,000		$ 9,000	

Source: United States Census of Population, 1970. Fourth Count Summary Tape.

TABLE VII

TOTAL NUMBER AND PERCENT OF LOW-INCOME FAMILIES IN MINNESOTA, 1970, BY COUNTY AND STATE TOTALS

COUNTY	TOTAL NUMBER FAMILIES	LOW-INCOME FAMILIES BY RATIO OF INCOME TO POVERTY LEVEL			TOTAL LOW-INCOME FAMILIES	PERCENT LOW-INCOME
		Under .50	.50-.74	.75-.99		
State Totals	921,332	25,157	20,366	30,400	75,923	8.2
Aitkin	3,041	147	201	208	556	18.3
Anoka	36,331	606	270	359	1,235	3.4
Becker	6,181	354	293	477	1,124	18.2
Beltrami	5,974	279	338	419	1,036	17.3
Benton	4,825	180	172	161	513	10.6
Big Stone	2,011	100	85	129	314	8.3
Blue Earth	11,508	248	248	404	900	7.8
Brown	6,977	318	192	371	881	12.6
Carlton	6,760	125	195	263	583	8.6
Carver	6,985	219	100	179	498	7.1
Cass	4,337	267	322	338	927	21.4
Chippewa	3,913	123	188	196	507	13.0
Chisago	4,384	118	135	196	449	10.2
Clay	10,505	457	187	374	818	7.8
Clearwater	2,040	131	185	174	490	24.0
Cook	914	34	17	25	76	8.3
Cottonwood	3,922	161	124	174	459	11.7
Crow Wing	8,721	255	304	449	1,008	11.6
Dakota	33,211	472	268	438	1,178	3.5
Dodge	3,324	106	110	177	393	11.8
Douglas	5,799	235	296	324	855	14.7
Faribault	5,410	240	161	302	703	13.0
Fillmore	5,642	221	241	375	837	14.8
Freeborn	9,602	239	195	350	784	8.2
Goodhue	8,766	178	233	421	832	9.5
Grant	2,025	132	70	149	351	17.3
Hennepin	233,910	4,281	2,517	4,166	10,964	4.7
Houston	4,268	62	164	214	440	10.3
Hubbard	2,791	176	149	252	577	20.7
Isanti	3,770	64	108	142	314	8.3
Itasca	9,003	298	292	554	1,144	12.7
Jackson	3,603	168	115	165	448	12.4
Kanabec	2,525	113	77	154	344	13.6
Kandiyohi	7,536	242	244	346	832	11.0
Kittson	1,838	78	55	111	244	13.3

Low Income Families Less than 125% of Poverty

		Number	% of State Total	% of State DOE $ (per allocation plan)
	Anoka	1012	.92	2.0
*1	Arrowhead	7334	6.65	6.1
	Bi-County	2726	2.47	2.1
	Clay Wilkin	1621	1.47	1.7
	Goodhue/Rice/Wabasha	2944	2.67	2.7
*2	Inter-County	2386	2.16	2.5
	Kooch-Itasca	2379	2.16	2.1
*3	Lakes & Pines	6353	5.76	6.8
	Mahube	2855	2.59	2.5
*4	Minneapolis	16,652	15.10	11.7
*5	Minnesota Valley	8033	7.29	7.9
*6	Northwest	1731	1.57	2.3
	Ottertail-Wadena	3729	3.38	2.3
	Prairie-5	3637	3.30	3.5
	RAP	8843	8.02	7.2
*7	Scott-Carver	3267	2.96	3.5
	Six E	4135	3.75	3.8
*8	SEMCAC	7566	6.86	8.7
	Southwest	4166	3.79	2.8
	Tri-County	5006	4.54	3.7
	Tri-CAP	4789	4.34	3.6
*9	Tri-Valley	1938	1.76	2.1
	West Central	3216	2.92	3.4
	Western	2466	2.24	3.7
	Wright	1459	1.32	1.3
	Totals	110,243	100%	

1) Arrowhead includes Duluth
2) Inter-County includes ½ of Polk County
3) Lakes & Pines includes Washington County
4) Mpls. represents Hennepin County
5) Mn Valley includes Faribault County
6) NW includes ½ of Marshall County
7) Scott-Carver includes Dakotah County
8) SEMCAC includes Freeborne, Mower & Olmstead Counties
9) Tri-Valley includes ½ of Polk County & ½ of Marshall County

Each .1% represents $9,078.85

COUNT OF FAMILIES BY RATIO OF INCOME TO POVERTY LEVEL

Anoka County CAC

Anoka County

No. of families under 50% - 606
75% - 876
100% - 1235
125% - 1811

Total families residing in County - 36331

Arrowhead Econ. Opp. Agency

Cook County

No. of families under 50% - 34
75% - 51
100% - 76
125% - 121

Total families residing in County - 914

Lake County

No. of families under 50% - 66
75% - 115
100% - 182
125% - 268

Total families residing in County - 3292

City of Duluth

St. Louis County

No. of families under 50% - 1229
75% - 2408
100% - 4295
125% - 6945

Total families residing in County - 54682

Grand total of families under 125% in counties - 7334
Grand total families residing in Counties - 58,888.

Bi-County CAC

Beltrami County

No. of families under 50% - 279
75% - 617
100% - 1036
125% - 1440

Total families residing in County - 4222

Cass County

No. of families under 50% - 267
75% - 589
100% - 927

Total families residing in County - 4337

Grand total under 125% - 2726
Grand total families residing - 8581

Clay - Wilkin Opp. Council

Clay County

No. of families under
50% - 257
75% - 444
100% - 818
125% - 1167

Total families residing in County - 10505

Wilkin County

No. of families under
50% - 73
75% - 182
100% - 310
125% - 454

Total families residing in County - 2315

Grand total under 125% - 1621
Grand total families residing - 12,820

Goodhue - Rice - Wabasha Citizens Action Council

Goodhue County

No. of families under
50% - 178
75% - 411
100% - 832
125% - 1241

Total families residing in County - 8766

Rice County

No. of families under
50% - 246
75% - 411
100% - 665
125% - 1044

Total families residing in County - 8936

Wabasha County

No. of families under
50% - 125
75% - 232
100% - 424
125% - 659

Total families residing in County - 4244

Grand total under 125% - 2944
Grand total families residing - 21,946

Inter - County Community Council, Inc.

Clearwater County

No. of families under 50% - 131
75% - 316
100% - 490
125% - 664

Total families residing in County - 2040

East Polk County

No. of families under 50% - 148
75% - 295
100% - 555
125% - 821

Total families residing - 4269

Pennington County

No. of families under 50% - 79
75% - 198
100% - 292
125% - 460

Total families residing - 3234

Red Lake County

No. of families under 50% - 80
75% - 151
100% - 276
125% - 411

Total families residing - 1301

Grand total under 125% - 2356
Grand total families residing - 10,844

Koochiching - Itasca Action Council

Koochiching County

No. of families under 50% - 180
75% - 276
100% - 466
125% - 680

Total families residing - 4248

Itasca County

No. of families under 50% - 298
75% - 590
100% - 1144
125% - 1699

Total families residing - 9003.

Grand total under 125% - 2379
Grand total residing - 13,251

Lakes and Pines CAC

Aitken County

No. of families under	50% - 184
	75% - 435
	100% - 696
	125% - 1012

Total families rediding in County - 5422

Carlton County

No. of families under	50% - 125
	75% - 320
	100% - 583
	125% - 872

Total families residing - 6760

Chisago County

No. of families under	50% - 118
	75% - 253
	100% - 449
	125% - 646

Total families residing - 4384

Insanti County

No. of families under	50% - 64
	75% - 172
	100% - 314
	125% - 498

Total families residing - 3770

Kanabec County

No. of families under	50% - 113
	75% - 190
	100% - 344
	125% - 469

Total families residing - 2525

Mille Lacs County

No. of families under	50% - 141
	75% - 299
	100% - 583
	125% - 818

Total families residing - 4009

Pine County
No. of families under 50% - 131
75% - 347
100% - 583
125% - 851

Total families residing in County - 4087

Washington County
No. of families under 50% - 330
75% - 493
100% - 775
125% - 1187

Total families residing - 19,174

Grand total under 125% - 6353
Grand total residing - 50,131

Mahube Community Council
Mahnomen County
No. of families under 50% - 132
75% - 200
100% - 326
125% - 466

Total families residing in County - 1327

Hubbard County
No. of families under 50% - 176
75% - 325
100% - 577
125% - 810

Total families residing in County - 2791

Becker County
No. of families under 50% - 354
75% - 647
100% - 1124
125% - 1579

Total families residing in County - 6181

Grand total under 125% - 2855
Grand total families residing - 10,299

Minneapolis Community Action Agency
Hennepin County
No. of families under 50% - 4281
75% - 6798
100% - 10964
125% - 16652

Total families residing - 233,910

Minnesota Valley Action Council

Blue Earth County

No. of families under	
50% -	248
75% -	496
100% -	900
125% -	1346

Total families residing - 11,508

Brown County

No. of families under	
50% -	318
75% -	510
100% -	881
125% -	1179

Total families residing - 6977

Faribault County

No. of familits under	
50% -	240
75% -	401
100% -	703
125% -	1005

Total families residing - 5410

Le Sueur County

No. of families under	
50% -	185
75% -	342
100% -	540
125% -	807

Total families residing - 5291

Martin County

No. of families under	
50% -	213
75% -	379
100% -	632
125% -	974

Total families residing - 6503

Nicollet County

No. of families under	
50% -	139
75% -	224
100% -	438
125% -	662

Total families residing - 5420

Sibley County

No. of families under	
50% -	210
75% -	364
100% -	579

Minnesota Valley Action Council Con't.

Watonwan County
No. of families under 50% - 170
75% - 288
100% - 432
125% - 665

Total families residing - 3428

Waseca County
No. of families under 50% - 137
75% - 223
100% - 392
125% - 579

Total families residing - 4098

Grand total under 125% - 8033
Grand total residing - 52,657

Northwest Community Action Inc.

Kitson County
No. of families under 50% - 78
75% - 133
100% - 244
125% - 401

Total families residing - 1838

Lake of the Woods County
No. of families under 50% - 38
75% - 76
100% - 164
125% - 267

Total families residing - 1017

East Marshall County
No. of families under 50% - 104
75% - 203
100% - 347
125% - 449

Total families residing - 1621

Roseau County
No. of families under 50% - 165
75% - 270
100% - 430
125% - 613

Total families residing - 2879

Grand total under 125% - 1730

Ottertail - Wadena Community Action Council

Ottertail County

No. of families under
- 50% - 568
- 75% - 1122
- 100% - 1894
- 125% - 2823

Total families residing - 11,783

Wadena County

No. of families under
- 50% - 229
- 75% - 423
- 100% - 623
- 125% - 906

Total families residing - 3349

Grand total residing - 15,132
Grand total under 125% - 3729

Praire Five Community Action Council

Big Stone County

No. of families under
- 50% - 100
- 75% - 185
- 100% - 314
- 125% - 424

Total families residing - 2011

Chippewa County

No. of families under
- 50% - 123
- 75% - 311
- 100% - 507
- 125% - 796

Total families residing - 3913

Lac Qui Parle County

No. of families under
- 50% - 178
- 75% - 324
- 100% - 571
- 125% - 713

Total families residing - 2942

Swift County

No. of families under
- 50% - 229
- 75% - 423
- 100% - 623
- 125% - 906

Total families residing - 3349

Praire Five Con't
Yellow Medicine
No. of families under 50% - 122
75% - 296
100% - 572
125% - 798

Total families residing - 3684

Grand total under 125% - 3837
Grand total residing - 15,881

Ramsey Action Program
Ramsey County
No. of families under 50% - 2178
75% - 3508
100% - 5852
125% - 12843

Total families residing - 114, 495

Grand total under 125% - 12,843
Grand total residing - 114,495

Region 6E Community Action Agency
Kandiyohi County
No. of families under 50% - 242
75% - 486
100% - 832
125% - 1244

Total families residing - 7536

McLeod County
No. of families under 50% - 275
75% - 429
100% - 645
125% - 949

Total families residing - 7070

Meeker County
No. of families under 50% - 271
75% - 521
100% - 761
125% - 1096

Total families residing - 4806

Renville County
No. of families under 50% - 197
75% - 404
100% - 712
125% - 1046

Region 6E-Community Action Agency con't.

Total families residing - 5285

Grand total under 125% - 4308
Grand total families residing - 24,697

Scott Carver Economic Council

Scott County

No. of families under
50% - 234
75% - 344
100% - 564
125% - 772

Total families residing - 7413

Carver County

No. of families under
50% - 219
75% - 319
100% - 498
125% - 779

Total families residing - 6985

* Dakota County

No. of families under
50% - 472
75% - 740
100% - 1178
125% - 1706

Total families residing - 33,211

Grand total under 125% - 1727
Grand total families residing - 47,609

SEMCAC, Inc.

Dodge County

No. of familiew under
50% - 106
75% - 216
100% - 393
125% - 613

Total families residing - 3324

Fillmore County

No. of families under
50% - 221
75% - 462
100% - 837
125% - 1265

Total families residing - 5642.

SEMCAC, Inc. con't

Houston County

No. of families under 50% - 62
75% - 226
100% - 440
125% - 728

Total families residing - 4268

Steele County

No. of families under 50% - 146
75% - 278
100% - 518
125% - 782

Total families residing - 6834

Winona County

No. of families under 50% - 237
75% - 585
100% - 988
125% - 1580

Total families residing- 10052

Olmstead County

No. of families under 50% - 350
75% - 655
100% - 1072
125% - 1740

Total families residing - 19,850

* Freeborne County

No. of families under 50% - 239
75% - 434
100% - 784
125% - 1160

Total families residing - 9602

* Mowee County

No. of families under 50% - 436
75% - 632
100% - 958
125% - 1438

Total families residing - 11,158

Grand total under 125% - 9306
Grand total families residing - 70,730

Southwestern Minnesota Opportunity Council

Pipestone County

No. of families under 50% - 194
75% - 338
100% - 557
125% - 789

Total families residing - 3270

Murray County

No. of families under 50% - 154
75% - 271
100% - 460
125% - 692

Total families residing - 3080

Nobel County

No. of families under 50% - 259
75% - 435
100% - 646
125% - 937

Total families residing - 5677

Rock County

No. of families under 50% - 127
75% - 211
100% - 304
125% - 474

Total families residing - 2841

Cottonwood County

No. of families under 50% - 161
75% - 285
100% - 459
125% - 653

Total families residing - 3922

Jackson County

No. of families under 50% - 168
75% - 283
100% - 448
125% - 621

Total families residing - 3603

Grand total under 125% - 4166
Grand total families residing - 22,393

Tri-County Action Programs (St. Cloud)

Benton County

No. of families under
50% - 180
75% - 352
100% - 513
125% - 774

Total families residing - 4825

Shervurn County

No. of families under
50% - 110
75% - 198
100% - 311
125% - 508

Total families residing - 4273

Stearns County

No. of families under
50% - 835
75% - 1470
100% - 2401
125% - 3499

Total families residing - 19,477

Grand total under 125% - 4781
Grand total families residing - 28,575

Tri-County Community Action Program

Crow Wing County

No. of families under
50% - 255
75% - 559
100% - 1058
125% - 1660

Total families residing - 8721

Morrison County

No. of families under
50% - 350
75% - 769
100% - 1112
125% - 1596

Total families residing - 6194

Todd County

No. of families under
50% - 386
75% - 826
100% - 1334
125% - 1800

Total families residing - 5454

Tri-County Community Action Program Con't.

Grand total under 125% - 5056
Grand total families residing - 20,369

Tri-Valley Opportunity Council

Norman County

No. of families under 50% - 155
75% - 267
100% - 440
125% - 667

Total families residing - 2558

West Marshall County

No. of families under 50% - 105
75% - 204
100% - 349
125% - 451

Total families residing - 1621

West Polk County

No. of families under 50% - 148
75% - 295
100% - 555
125% - 821

Total families residing - 4270

Grand total under 125% - 1939
Grand total families residing - 8449

West Central Minnesota Communities Action

Traverse County

No. of families under 50% - 90
75% - 174
100% - 285
125% - 383

Total families residing - 1595

Stevens County

No. of families under 50% - 128
75% - 223
100% - 339
125% - 588

Total families residing - 2588

Pope County

No. of families under 50% - 180
75% - 264
100% - 431

Pope County con't.

Total families residing - 2925

West Central Con't.

Douglas County
No. of families under 50% - 235
75% - 531
100% - 855
125% - 1322

Total families residing - 5799

Grant County
No. of families under 50% - 132
75% - 202
100% - 351
125% - 446

Total families residing - 2025

Grand total under 125% - 3316
Grand total families residing - 14,932

Western Community Action Inc.
Lincoln County
No. of families under 50% - 132
75% - 293
100% - 397
125% - 574

Total families residing - 2074

Lyon County
No. of families under 50% - 193
75% - 363
100% - 639
125% - 1004

Total families residing - 5650

Redwood County
No. of families under 50% - 198
75% - 403
100% - 786
125% - 1088

Total families residing - 5004

Grand total under 125% - 2666
Grand total families residing - 12,728

Wright County Community Action

Wright County
No. of families under 50% - 328
75% - 605
100% - 997
125% - 1459

Total families residing - 9253

Grand total under 125% - 1459
Grand total families residing - 9253

* Uncapped

State Grand total under 125% - 115,927
State Grand total families residing - 922,256

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Department of Economic Security

Office Memorandum

LEGAL SECTION
OCT 22 1979

TO : Lee Sheehy
Special Assistant Attorney General
Department of Administration

DATE: October 19, 1979

FROM : Charles Wrobel
Inter-Governmental Relations Director

PHONE: 296-3885

Chapman 65752

SUBJECT:

Accompanying this letter please find DES Temporary Rule 8 MCAR § 4.4010 Minnesota Weatherization Assistance for Low-Income People, promulgated pursuant to the authority granted by Laws of 1979, Ex. Sess. ch. 2. § 37 which states:

> (a) procedures for the administration of grants, (b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations.

The proposed temporary rule and "Request for Public Comment" were published in the State Register on August 20, 1979, pursuant to Minn. Stat. § 15.0412, subd. 5 (1978). The agency received comments during the 20-day comment period from the following:

1. Charles Anderson, Housing Director, Southwestern Minnesota Opportunity Council, Worthington, Minnesota
2. Mark Cannavan, Energy Coordinator, Lakes & Pines Community Action Council, Inc., Mora, Minnesota
3. Peter Strong, Director, Red Lake Community Action Agency, Red Lake Indian Reservation.
4. Lawrence Kopel, Chairperson, West Central Minnesota Communities Action, Inc.
5. Donald G. Gurnoe, Jr., Executive Director, Indian Affairs Inter-Tribal Board.
6. Darrell Wadena, Chairman, White Earth Reservation Business Committee.
7. Michael Ekre, Executive Director, Bi-County Community Action Council, Inc., Bemidji, Minnesota.
8. William Brown, Assistant Attorney General, Department of Economic Security.

Included with this letter are copies of each letter received and a memorandum containing the suggested rule changes and this agency's rationale for accepting or rejecting the proposed changes. The changes accepted are included in a new draft of the rule, also submitted at this time.

Minnesota Weatherization Assistance for Low-Income People will be administered by the Department of Economic Security. We submit the temporary rule at this time for your approval.

CW:cr

Enc.

STATE OF MINNESOTA

Rule No 8 MCAR § 414010
Minnesota Weatherization
for Low-Income People

1. Charles Anderson (8-10-79) recommends that monitoring of fuel consumption on every home to determine fuel saving should not be done because the process would not be cost effective.

   It is the Department of Economic Security's intent to commission a fuel consumption study that will statistically sample weatherized homes and estimate fuel savings. This study will meet the requirements of the law and rules.

2. Mark Cannavan (8-10-79) states that American Indian reservations should be directly funded. He states six reasons for direct funding:

   1. Equitable funding to provide services to that sector of our community that displays a disproportionate number of low-income residents.
   2. More accurate needs assessment.
   3. Tighter control and therefore efficient use of funds by the I-CAP.
   4. Self determination in I-CAP budgetary needs.
   5. Elimination of additional middlemen which will increase bureaucratic red tape.
   6. Efficient monitoring.

   Section E of the rules is quoted by Mr. Cannavan--this is a misquote of the rule.

   The Department of Economic Security is funding American Indian reservations through the Indian Affairs Inter-Tribal Board, not through local CAP agencies. Each reservation receives an allocation. Section E of the

regulations defines the allocation process for Indian reservations, it does not obligate community action agencies to deliver funds to reservations.

3. Peter Strong (9-7-79) is opposed to using census data on total population to allocate funds to Red Lake Reservation. He states that the population in 1970 has changed from 2800 to 4400. He requests an allocation based on current population.

The Department used the 1970 census as basic data for the allocation. The data is the most reliable data at a specific point in time available to allocate funds by population within a county. Mr. Strong is correct in his statement that Red Lake Reservation has grown in population since the 1970 census, yet no other documented point in time comparison exists between the population at Red Lake Reservation and the population in the balance of the counties Red Lake Reservation is located. It is necessary to allocate funds as described in Section E of the regulations.

4. Lawrence Kopel (8-28-79) suggests three changes:

   a. That the rules be written to allow more flexibility by local projects.

   b. That contractors be allowed to deliver services for the grantee because adequate numbers of CETA slots are not available for the grantee to deliver the program.

   c. That the allocation formula correspond to stated priorities.

Mr. Kopel's suggestions have not been incorporated into the regulations because: 1) the temporaty rules allow maximum flexibility within the

limits of the law. The law appropriated funds to supplement the U.S. Department of Energy Weatherization Assistance for Low-Income Persons program. The program is designed to systematically weatherize homes with proven cost effective energy saving repairs. The rules are written to enable a local deliverer to use state funds to supplement federal funds in any category in which federal funds can be used and adds a new category for paying labor costs for weatherization services It does not exclude contracted labor costs. Flexibility beyond that level would entail creating a new program rather than supplementing an existing program.

The allocation formula is designed to allocate funds statewide. In the temporary rules, the allocation formula used to allocate the Federal funds was used to allocate State funds since the laws mandate quick distribution of the funds.

Before final rules are promulgated, the formula used in the temporary rules will be evaluated.

5. Donald G. Gurnoe, Jr.,(8-21-79) sent information concerning White Earth Reservation.

6. Darrell Wadena (8-14-79), under a cover letter from Donald G. Gurnoe expressed his concern that the Department should not use 1970 census data to allocate funds to Indian Reservations. Mr. Wadena sent data from a 1976 White Earth Reservation census which was used to obtain funding for U.S. Revenue sharing.

Mr. Wadena's comments are basically the same as Mr. Peter Strong (No. 3). The Department's response is the same as in No. 3

7. Mr. Michael Ekre (8-21-79) recommends that the formula be changed from 1970 census poverty data on households with income below $5,000 to households with poverty income at 125% based on the 1970 census data.

   The State Planning Agency which recommended the $5,000 income feels that the total poverty households figure does not change significantly when using a $5,000 income figure versus a stratified poverty guideline figure.

   In these temporary rules, the allocation formula used to allocate federal funds was used because the state law mandated immediate didtribution of funds. In the final rule process the existing will be evaluated.

8. Mr. William Brown's (8-28-79) comments offered herein are primarily directed to typographical errors and have thus been incorporated into the rule.

cost for the operator any rental fees in excess of the total amount allowed for depreciation, interest, and pursuant to B.1.b.(2)~~.~~, provided however that such a rental fee may be recognized in entirety for the period that it was incurred under a lease entered into before April 13, 1976 and prior to the subsequent renewal of said lease. This provision of the rule will be effective for rates paid non-proprietary facilities on January 1, 1978 and subsequent ~~provided this provision of the rule is approved by HEW.~~ until such time as it is disapproved by HEW.

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Economic Security
Office of Economic Opportunity

Proposed Temporary Rule Governing Weatherization Assistance for Low-Income People

Request for Public Comment

Notice is hereby given pursuant to Minn. Stat. § 15.0412, subd. 5 (1978), that the Minnesota Department of Economic Security has proposed the following temporary rule governing the administration of grants for the purpose of weatherizing the residences of low-income persons pursuant to Laws of 1979, Ex. Sess., ch. 2, § 37.

All interested may submit written comment or data on these rules to:

Alan L. Chapman, Weatherization Project Director
Office of Economic Opportunity
Minnesota Department of Economic Security
690 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Written statements submitted for consideration must be received by September 10, 1979. The proposed temporary rule may be modified if the modifications are supported by the data and views received by the Department. The Department shall submit to the Attorney General the proposed temporary rule as published, with any proposed modifications for review as to form and legality. The temporary rule shall take effect upon approval of the Attorney General.

The Department will publish at *State Register* the Attorney General's decision and the adopted temporary rule upon receipt of the Attorney General's decision.

Rolf Middleton
Commissioner

Temporary Rule as Proposed

8 MCAR § 4.4010 Minnesota weatherization assistance for low-income people.

A. Purpose. The purpose of this rule is to develop and implement a supplementary State weatherization assistance program under authority granted by Laws of 1979, Ex. Sess. ch. 2, § 37 to supplement the "United States Department of Energy Weatherization Assistance for Low-Income Persons" program 42-USC & 6861 to 6872 at prescribed level in the dwellings of low-income persons in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

B. Administration of costs. Grants awarded under this part shall be administered in accordance with the following:

1. Federal Management Circular 73-2, 34 CFR 251, entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

2. Federal Management Circular 74-4, 34 CFR 255, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

3. Federal Management Circular 74-7, 34 CFR 256, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

4. Office of Management and Budget Circular A-89 entitled "Catalog of Federal Domestic Assistance;"

5. Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

6. Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

7. Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;"

8. Such procedures applicable to this part as DES/OEO may from time to time prescribe for the administration of grants.

9. Tools and equipment acquired with grant funds provided under this part shall be the property of the grantee.

10. U.S. Treasury Circular 1075.

C. Definitions. As used in this rule:

1. "Act" means the Energy Conservation and Production Act, Pub. L. 94-335, 90 Stat. 1125 *et. seq.*

2. "Administrator" means the Administrator of the U.S. Department of Energy.

3. "CAA" means a Community Action Agency.

4. "CETA" means the Comprehensive Employment and Training Act of 1973, 42 U.S.C. 2731 *et seq.*

5. "Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452, which is authorized to administer funds received from Federal, State, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

6. "Commissioner" means Administrator of the Department of Economic Security.

7. "Cosmetic items" means items which, when installed, will not reduce energy costs in a cost-effective manner, including, but not limited to finishes, decorative fenestration materials and elevation materials such as aluminum siding, board and bat, clapboard, brick, shakes, or asphalt siding.

8. "DES/OEO" means Department of Economic Security, Office of Economic Opportunity.

9. "DOE" means the United States Department of Energy.

10. "Dwelling unit" means a house, including a stationary mobile home, and apartment, a group of rooms, or a single room occupied as separate living quarters.

11. "Elderly Person" means a person who is 60 years of age or older.

12. "Family Unit" means all persons living together in a dwelling unit.

13. "Grantee" means an entity named in the Notification of Grant Award as the recipient.

14. "Handicapped person" means any individual (a) who is a handicapped individual as defined in section 7(6) of the Rehabilitation Act of 1973, (b) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (c) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code.

15. "Heating degree days" means a seasonal average of the climatological heating degree days for each weather station within a State, as determined by FEA.

16. "Heating or cooling source" means a device the operation of which can raise or lower temperatures within a dwelling unit as part of the permanent heating, ventilating and air conditioning system installed in the dwelling unit, including but not limited to furnaces, heat pumps, stoves, boilers, heaters, fireplaces, air conditioners, fans, and solar devices.

17. "Household" means the same as dwelling units.

18. "Indian tribe" means any tribe, band, nation or other organized group or community of Native Americans, including any Alaska native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92203; 85 Stat. 688, which (a) is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans; or (b) is located on, or in proximity to a Federal or State reservation or rancheria.

19. "Law" means Minnesota Laws 1979, Ex. Sess. ch. 2, § 37.

20. "Local applicant" means a CAA or unit of general purpose local government.

21. "Low income" means that income in relation to family size which —

a. Is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

b. Is the basis on which cash assistance payments

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have been paid during the preceding 12 month period under Title IV and XVI of the Social Security Act or applicable State or local law.

22. "Mechanical equipment" means a control device or apparatus which is primarily designed to improve the heating or cooling efficiency of a dwelling unit, and which will be permanently affixed to an existing heating or cooling source, including but not limited to a flue damper, clock thermostat, filter, or replacement limit switches.

23. "Multi-family dwelling unit" means a dwelling unit which is located in a structure containing more than one dwelling unit.

24. "American-Indian" means a person who is a member of an Indian tribe.

25. "Number of low-income, owner-occupied dwelling units in the county" means the number of such dwelling units in a county, as determined by DES/OEO.

26. "Number of low-income, renter-occupied dwelling units in the county" means the number of such dwelling units in a county, as determined by DES/OEO.

27. "OEO Director" means the Director of Office of Economic Opportunity/Department of Economic Security (OEO/DES).

28. "One perm" means a unit of permeance which will allow one grain of water vapor to pass per square foot per hour per inch of mercury vapor pressure difference, through a barrier.

29. "Rental dwelling unit" means a dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

30. "Separate living quarters" are those in which the occupants do not live and eat with any other persons in the structure and which have either (a) direct access from the outside of the building or through a common hall, or (b) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

31. "Single-family dwelling unit" means a structure containing no more than one dwelling unit.

32. "State" means the State of Minnesota.

33. "Repair materials" means items necessary for the effective performance or preservation of weatherization materials. Repair materials include, but are not limited to, lumber used to frame or repair windows and doors which could not otherwise be caulked or weatherstripped, and protective materials, such as paint, used to seal materials installed under this program.

34. "Sub-grantee" means a weatherization project which receives a grant of funds awarded under this Rule from a grantee.

35. "Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Native Americans which is controlled, sanctioned, or chartered by such governing body.

36. "Unit of general purpose local government" means any city, county, town, parish, village, or other general purpose political subdivision of a state.

37. "Vapor barriers" means membranes used to retard vapor movement.

38. "Weatherization crew" means a group of weatherization crew labors with a weatherization supervisor.

39. "Weatherization crew laborer" means a person that performs weatherization improvements and minor repairs on households eligible for assistance under this rule.

40. "Weatherization materials" means —

a. Caulking and weatherstripping of doors and windows;

b. Furnace efficiency modifications limited to —

(1) Replacement burners designed to substantially increase the energy efficiency of the heating system;

(2) Devices for modifying fuel openings which will increase the energy efficiency of the heating system; and

(3) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

c. Clock thermostats;

d. Ceiling, attic, wall, floor, and duct insulation;

e. Water heater insulation;

f. Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

g. The following insulating or energy conserving devices or technologies —

(1) Skirting;

(2) Items to improve attic ventilation;

(3) Vapor barriers; and

(4) Materials used as a patch to reduce infiltration through the building.

41. "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient.

42. "Weatherization supervisor" means a person who inspects, analyzes, evaluates, and performs complicated weatherization and repair activities and is responsible for crew laborer's conduct, performance and weatherization crew laborer evaluations.

43. "Weatherization supervisor crew ratio" means one weatherization supervisor for each weatherization crew.

D. Allocation of funds.

1. The Department of Economic Security/Division of

Economic Opportunity shall provide financial assistance to Community Action Agencies or other eligible agencies upon submission and acceptance by DES/OEO of a work plan. The funds are available through June 30, 1980.

2. The DES/OEO shall determine the allocation for each county in accordance with the following formula:

a. $\frac{X + 2Y + Z}{4}$ = county's allocation

Where: X = the county's percent of State fuel type used (weighted average).

Y = The county's percent of State households with incomes less than $5,000.

Z = the county's percent of total State degree days.

The formula weights:

X — 25%

Y — 50%

Z — 25%

b. The weighted average fuel-use factor was determined using this formula:

$$\frac{10a + 9B + 8c}{3}$$

Where: a = number of households in county using natural gas.

b = number of households in county using propane.

c = number of households in county using fuel oil.

The number of households in each county using each type of fuel for space heating shall be based on data from the 1970 Census of Housing, Volume I, Part 25.

c. The low income factor for the formula shall be derived from the 1970 Census.

d. Degree day data shall be based upon data from the National Oceanic Atmospheric Administration; where more than one reading was available for a county, the readings shall be averaged; where no readings are available for a county an average of degree days for all surrounding counties shall be used.

E. American Indian Reservation Allocations. Counties with American Indian reservations shall proportion a ratio of their allocation to the reservations based on the number of American Indians in the reservations in that county as a percent of the total population in that county. This allocation shall be based on data from the 1970 Census.

F. Reallocation of funds. In the event there are unexpended State grant funds from this law at a local deliverer at June 30, 1980 such unexpended funds shall be reallocated to all local deliverers using the allocation formula.

G. Eligible Applicants.

1. The Commissioner shall insure that funds received under this law shall be allocated to a CAA or to other appropriate and qualified entities in the geographical area so that:

a. Funds are allocated to a geographical area served by a CAA delivering the DOE Weatherization Program, and

b. Priority in the allocation of funds will be given to a CAA in the geographical area the CAA does not normally serve.

2. Paragraph (1)(a) of this section shall not apply if the Commissioner, or the OEO Director on behalf of the Commissioner, determines on the basis of a public hearing, that the plan carried out by the CAA has been ineffective in meeting the purpose of the statute. Notice of the public hearing shall be made 10 days prior to the hearing in two (2) local newspapers in the deliverers service area.

3. In making a determination pursuant to paragraph G.2. of this rule, the Commissioner, or OEO Director, acting on behalf of the Commissioner, shall evaluate the performance of the CAA and shall consider:

a. The extent to which the weatherization project achieves the goals of the law in a timely fashion.

b. The adherance to the plan developed by the CAA.

c. The quality of work performed.

d. The number, qualifications, and experience of staff members.

e. The ability to secure volunteers, training participants and public service employment workers, pursuant to CETA.

H. Local Applications.

1. To be eligible for financial assistance under this rule, a local applicant shall submit an application or plan, combining Federal DOE funds, State funds, and any other funds used to support the plan to the Commissioner not later than September 30 of each year. The Commissioner shall review each timely application and if the submission otherwise complies with the applicable provisions of this rule, approve a final budget and issue a notice of grant award.

2. Each application shall include:

a. The name and address of the local agency or office responsible for administering the program.

b. A detailed description of the manner in which the minimum program requirements will be met which shall include the manner in which each such local agency or office shall develop and implement procedures to insure that:

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(1) Financial assistance provided under this rule will be used to supplement and not supplant Federal DOE funds.

(2) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in this rule.

(3) Priority through a documented needs assessment is given to identifying and providing weatherization assistance with first priority given to fuel oil users, elderly and handicapped low-income persons. The documented needs assessment shall include the identifiable potential number of households which should be provided such assistance by county broken down into segmented categories: elderly, handicapped, minorities, single family dwelling units, rental units, and types of fuel used.

c. The total number of dwelling units proposed to be weatherized with grant funds in total and by county served, from all sources during the budget period for which assistance is to be provided. First priority shall be to homes heated with fuel oil. The total number of dwelling units completed shall include no less than 25% elderly, 10% handicapped and 10% rental units.

d. The description of the outreach process used to obtain applications.

e. A schedule for implementation which shall indicate the number of dwelling units which are expected to be weatherized by month and a crew scheduling process used to efficiently complete the dwelling units.

f. A separate budget for Federal, State and other funds shall include a justification and explanation of any amounts requested for expenditures for materials, equipment, or tools. The budget categories shall be identified as Federal, State, and local.

g. An estimate by number and dollar amount of manpower from all sources to be used in implementing the weatherization plan.

(1) If the plan involves hiring weatherization crew labor, there must be a detailed explanation as to why CETA labor is not available or how crew labor supplements CETA labor already available and why it is needed. It must include how much labor is needed, the number of job slots program funds will support, a job analysis for each labor slot and the size of the crews under which these slots shall be utilized.

(2) If the plan includes hiring weatherization crew supervision, it must include a comparable wage survey for similar job positions, a job analysis for the position. The number of such positions, the total cost or amount of the State funds that will be supporting the wage of the supervisor and what size crews the position will supervise. The weatherization supervisory ratio shall apply to all crews.

h. There shall be mechanisms detailing the processes whereby the agency governing board of directors reviews and signs off on a quarterly assessment of the local project effectiveness before an application can be accepted.

i. The plan shall be submitted for Regional Clearinghouse review.

I. Plan amendment. If the grantee determines that it cannot fulfill its obligations under the plan in whole or part, the grantee may request an amendment or revision of the existing approved plan and resubmit a new plan or amendments within 30 days after written notice of request for reconsideration. The request from the grantee must be in writing detailing its specific views with supporting data and arguments.

J. Allowable expenditures.

1. To the maximum extent practical, the grant funds provided under this part shall be used for Administration, the purchase of labor, supervision, materials, equipment, and/or tools and/or related matter. Allowable expenditures shall be limited to:

a. The cost of purchase, delivery and storage of weatherization materials. The cost, determined by a local deliverer which shall not exceed an average dollar value per dwelling unit established by that grantee in that grantee's plan, of,

(1) Transportation of weatherization materials, tools, equipment and work crews to a storage site and to the site of the weatherization work.

(2) Maintenance, operation and insurance of vehicles used to transport weatherization materials.

(3) Maintenance of tools and equipment.

(4) Purchase or lease of tools, equipment and vehicles except that any purchase over established amount referred to in Federal Management and Budgets (OMB) and Federal Management Circulars (FMC) 73-4, FMC 74-4, and FMC 74-7 must have prior approval in every instance;

(5) The cost of employment of supervisory personnel;

(6) The cost of employment of weatherization crew labor;

(7) The cost not to exceed $100 per dwelling unit, of incidental repairs, including repair materials and repairs to the heating source necessary to make the installation of weatherization materials effective.

(8) Building permits where applicable.

b. The cost of liability insurance for weatherization projects for personal injury and property damage;

c. Allowable administrative expenses include those as spelled out in the grantee's approved plan.

d. Grant funds awarded under this part shall not be used for any of these purposes:

(1) To weatherize a dwelling unit which has been weatherized previously with grant funds from DOE or state assistance under the law or this rule unless such dwell

ing unit has been damaged by fire, flood, or an act of God and repair of the damage to weatherization materials is not paid for by insurance.

(2) To weatherize a dwelling unit which is vacant or designated for acquisition or clearance by a Federal, State, or local government program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(3) To purchase cosmetic items or a heating or cooling source. No dwelling unit can be exclusively weatherized with only State funds. State funds must be spent in coordination with DOE funds.

K. Oversight responsibility.

1. The Commissioner, or the OEO Director on behalf of the Commissioner, shall monitor and evaluate the operation of projects carried out by the grantees receiving financial assistance under this part through on-site inspections, or through other means, in order to insure the effective provision of weatherization assistance for the dwelling units of low-income persons.

2. The DES/OEO shall also carry out periodic evaluations of weatherization programs carried out by the grantee.

3. The Commissioner, the OEO Director or appropriate DES/OEO duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under this act.

4. The Commissioner shall conduct, on an annual basis, an audit of the pertinent records of any grantee receiving financial assistance under this part.

L. Record keeping. Each grantee receiving State financial assistance under this part shall keep such records as the Commissioner shall require, including records which fully disclose the amount and disposition by each grantee of funds received under this rule, the total cost of the weatherization project to implement the grantee plan for which such assistance was given or used, including all sources and amounts of funds for such project or program, and such other records as the Commissioner deems necessary for an effective audit and performance evaluation. Such record keeping shall be in accordance with Federal Management Circular 74-4 and any further requirements of this Rule or such requirements as the Commissioner may otherwise establish under the terms and conditions of the contracts awarding grants under the rule.

M. Monthly reports. Each grantee receiving financial assistance under this part shall submit a monthly program performance report and a monthly financial report to the Commissioner. The program performance report shall describe by stated priority: (a) The number of dwelling units weatherized, (b) The average cost per dwelling unit in State dollars under this rule, (c) The average cost per dwelling in Federal DOE funds, (d) The average cost per dwelling with all funds (State, DOE, and local), (e) Outreach efforts, (f) Any other information the Commissioner feels relevant, including information routinely submitted to the federal government in order to effectively monitor the progress of the grantee.

N. Energy consumption report. Each grantee shall develop and maintain a reporting system that will provide for the detection of any change in energy consumption in dwelling units which are weatherized by financial assistance from this part. The information and supporting data must be annualized and submitted to the OEO Director in a report no later than February 1, 1980.

O. Standards and techniques for weatherization. Only weatherization materials which meet or exceed the following standards shall be purchased with funds provided under this rule. The standards shall be:

Insulation-Mineral Fiber	
Blanket/Batt	Conformance to F.S.[2]-HH-I-521E and ASTM C 665-70
Board	Conformance to F.S. HH-I-526C and ASTM C612-70 or C726-72
Duct Material	Conformance to F.S. HH-I-558B
Loose-fill	Conformance to F.S. HH-I-1030A and ASTM C764-73
Insulation-Mineral Cellular	
Aggregate Board	Conformance to F.S. HH-I-529B
Cellular Glass	Conformance to F.S. HH-I-551E and ASTM C552-73
Perlite	Conformance to F.S. HH-I-574A and ASTM C549-73
Vermiculite	Conformance to F.S. HH-I-585B and ASTM C516-67
Insulation-Organic Fiber	
Cellulose — Type I	Conformance to F.S. HH-I-515C and ASTM C739-73 (Loose-fill)
Cellulose — Type II	Conformance to ASTM C739-73 (Loose fill) and fire safety requirements[3]
Vegetable	Conformance to F.S. HH-I-528B and fire safety requirements
Board and Block	Conformance to F.S. LLL-I-535A and ASTM C208-72 and fire safety requirements
Insulation-Organic Cellular	
Polystyrene Board	Conformance to F.S. HH-I-524B and ASTM C578-69 and fire safety requirements
Urethane Board	Conformance to F.S. HH-I-530A and ASTM C591-69 and fire safety requirements
Flexible Unicellular	Conformance to F.S. HH-I-573B and ASTM C534-70 and fire safety requirements

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Insulation-Air Spaces Reflective	Conformance to F.S. HH-I-1252A
Storm Windows	
Aluminum Frame	Conformance to ANSI A134.3-1972
Wood Frame	Conformance to Section 3 of NWMA Industry Standard I.S.2-73
Rigid Vinyl Frame	Conformance to NBS Product Standard PS26-70 and performance guarantee
Frameless Plastic Glazing	Required Minimum Thickness, 6 mil (0.006 in)
Storm Doors	
Aluminum	Equivalent to ANSI A134.4-1972
Wood	
Pine	Conformance to Section 3 of NWMA I.S.5-73
Fir, Hemlock, Spruce	Conformance to Section 3 of FHDA/5-75
Hardwood veneered	Conformance to Section 3 of NWMA I.S.1-73
Rigid Vinyl	Conformance to NBS Product Standard PS26-70 and performance guarantee
Caulks and Sealants	Commercial Availability
Weatherstripping	Commercial Availability
Vapor Barriers	Conformance to ASTM c755-73
Materials used as a patch to reduce infiltration through the building.	Commercial Availability
Clock Thermostats	Commercial Availability
Skirting	Commercial Availability

[2]F.S. — federal specification
[3]For fire safety requirements, see Section 2.1.3.1.

2. A weatherization project shall apply the approaches to weatherization contained in Project Retro-Tech, DOE Conservation Paper No. 28, including the energy conservation techniques therein.

3. Attics shall have ventilation added so there is at least 1 square foot of free air space for every 150 square feet of attic.

4. A vapor barrier of 1 perm or more shall exist on all surfaces to be insulated except when there is existing insulation.

P. Eligible dwellings. No dwelling unit shall be eligible for weatherization assistance under this part unless it is occupied by a family unit:

1. Whose income is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

2. Which contains a member who has received cash assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law during the 12 month period preceding the determination of eligibility for weatherization assistance.

Q. Granting process. Once the application for grant has been approved the Commissioner shall notify the grantee of such approval and any conditions shall be thereto. A grant contract shall be signed by the Commissioner or OEO Director and the authorized local agency representative. The grant contract shall indicate report requirements and other grant requirements shall be met prior to any obligation of funds. Payments on grant contracts shall be made by the Department of Economic Opportunity on the basis of grantee activity in the program. Cash on hand in excess of 30 days program requirements shall not be allowed.

Payments to grantees shall be reviewed in comparison to expenditures to determine cash needs. Expenditures shall be reported monthly on forms to be supplied by DES/OEO. Grantees shall be required to project next month's cash needs on the previous month's expenditure report.

R. Fiscal responsibility. No funds shall be released to a grantee receiving financial assistance under this rule until it has submitted to the OEO Director a statement certifying that the assisted grantee has an established accounting system with internal controls adequate to safeguard their assets, has an operating efficiency and reliable account data, does promote operating efficiency and encourage compliance with prescribed management policies and such additional fiscal responsibility and accounting requirements as the OEO Director may establish. The statement may be furnished by a Certified Public Accountant, a duly licensed public accountant, or in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency. If the grantee does not have such a statement certifying its financial responsibility, it may receive funds under this rule until October 1, 1979, and must by October 1, 1979, submit to the OEO Director such a statement or not be eligible for further assistance until such certifying statement is submitted to the OEO Director.

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

Department of Health

Proposed Amendments to Existing Rules of the Minnesota Merit System Governing the Classification Plan, Separation, Tenure and Reinstatement; and Leaves of Absence

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. 15.0412, subd. 4, in the Administration Building, Room 116 50 Sherburne Avenue (between Cedar and Capitol Boule