

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1149

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4-11-85
DATE FOR REVIEW 4-20-85
DATE DUE 4-25-85

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

Approved 4/25/85 (CDS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 4-29-85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.28.85 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 9.3.84

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
2.20.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
2.25.85 At least 30/~~20~~ days prior to ~~hearin~~g/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA
Office Memorandum

DEPARTMENT: Economic Security

TO : Peter C. Andrews
Special Assistant
Attorney General

DATE: April 10, 1985

FROM : Michael J. Fratto
Rules Coordinator

PHONE: 296-3574

SUBJECT : In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Employment; Summer Youth Jobs

The above stated rules have been published in the State Register on February 25, 1985 (9 S.R. 1924) and were mailed to persons who requested their names be placed on a mailing list to be notified of Rule Making activity on February 20, 1985. As a result of this notice the Department received one response. This letter did suggest language changes and requested a hearing on the proposed rules. Since only one request for hearing was received; and the suggested language change is not acceptable to the Department, the Commissioner has adopted the Rules as proposed.

A Notice of Intent to Solicit outside Opinion was published in the State Register on September 3, 1984 (9 S.R. 506). The Department received no comments from this notice.

I have attached the following documents for your review and approval. If you find the Department has complied with the Rulemaking procedures please sign the Statement of Compliance with Rule making procedures and forward it with the attached document to the Attorney General's Office for approval.

Documents Attached:

1) Photocopy of the Notice of Intent to Solicit Outside Opinion
2) Order for Notice of Intent to Adopt a Rules Without Public Hearing
3) Notice of Intent to Adopt Rules Without Public Hearing
4) Mailing List Certificate
5) Affidavit of Mailing Notice
6) Two Copies of the Proposed Rules
7) Photocopy of the State Register in which the Rules as proposed and the Notice of Intent to Adopt Rules Without Public Hearing were Published
8) Statement of Need and Reasonableness
9) The Responses from the Notice of Intent to Adopt Rules without Public Hearing
10) Findings of Fact and Conclusions
11) Two copies of the Order Adopting Rules
12) Four copies of the Rules as Adopted.

STATE OF MINNESOTA
Office Memorandum

DEPARTMENT: Economic Security

TO : J. Michael Miles
Assistant Attorney General
Department of Administration

DATE: April 10, 1985

FROM : Michael J. Fratto MJF
Rules Coordinator

PHONE: 6-3574

SUBJECT : In the Matter of the Proposed Adoption of Rules of the State of Minnesota; Summer Youth Jobs

I have enclosed the record for the above stated rules and the Statement of Compliance signed by Peter C. Andrews, Assistant Attorney General for the Department of Economic Security for your review.

If you have any questions about these rules please call me.

RECEIVED
APR 11 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: BARBARA BEERHALTER
Commissioner, Department of Economic Security

DATE: 4-29-85

ATTN: PETER C. ANDREWS
Special Assistant Attorney General

FROM: LARRY D. STARNS LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Employment; Summer Youth Jobs.

The above-referenced rule has been approved as to its legality by the Attorney General on April 25, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

LDS(sz)

Enclosures

cc: Executive Director
Legislative Commission to Review
Administrative Rules

Chief Administrative Law Judge
Office of Administrative Hearings

AG copy.

Department of Economic Security

Adopted Rules Relating to Employment; Summer Youth Jobs

Rules as Adopted

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment program under the act.

Subp. 5. [Unchanged.]

Subp. 6. [See repealer.]

Subp. 7. **Contractor.** "Contractor" means an organization which employs a person under the program established by the act.

Subp. 8. [See repealer.]

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. **Allocations to counties.** The commissioner shall allocate funds available under the act as follows:

A. [Unchanged.]

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

(1) historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July, and August for the most recent three-year period for which such data is available; and

(2) the county's proportion of families below the poverty level as evidenced by 1980 United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state.

C. The method of allocation to counties expressed

mathematically shall be as follows:

$$A_{ci} = \frac{0.5F(YP_{ci})}{YP_s} + \frac{0.5\,F(YP_{ci})(U_{ci})(P_{ci})(C_{ci})}{\sum_{i=1}^{n}\left[(YP_{ci})(U_{ci})(P_{ci})(C_{ci})\right]}$$

where:

(1) A_{ci} = allocation to the i^{th} county;

(2) F = funds available under the act;

(3) YP_{ci} = youth population 14 through 21 years of age in the i^{th} county, determined by interpolation for the current year from projections of the state demographer;

(4) YP_s = the sum of YP_{ci}s for all counties in the state;

(5) U_{ci} = most recent three year average of official labor force unemployment rates for the months of June, July, and August for the i^{th} county;

(6) P_{ci} = percent of all families with income below the poverty level in the i^{th} county as evidenced by the 1980 United States Census or more recent population surveys as referenced in subpart 2, item B; and

(7) $C_{ci} = \left[1 - \frac{1.5\ (\text{no. of students 20-21})}{\text{youth population 14-21}}\right]$ for the i^{th} county.

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

A. Each city within the county which has a total population of 2,500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent United States Bureau of Census estimates. Allocations to Indian reservations will be based on the same procedure as that of cities. Reservation population and counties of location will be based on the most recent United States Bureau of Indian Affairs and/or United States Bureau of Census Information.

B. [Unchanged.]

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations defined in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs is determined by the commissioner in consultation with private industry councils and chief elected officials authorized to administer the Job Training Partnership Act under Public Law Number 97-300 in Minnesota. The department retains ultimate responsibility for administration and operation of the program.

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 50 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. **Postsecondary program.** Notwithstanding subpart 1, at least 33-1/3 percent of the funds allocated to the area served by the contractor are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 50 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for

employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with part 3300.0700.

Subp. 3. **Eligible youth.** To obtain eligible youths, contractors must place job orders with the department and may employ only those youths referred by the department.

Subp. 4. [Unchanged.]

Subp. 5. **Supervisors.** A contractor may designate one eligible youth as supervisor for every ten youths in its employ under the act. Contractors who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 25 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

Subp. 6. **Employment of eligible youth.** Upon signing a contract contractors may begin employing eligible youths referred by the department; however, no youth may be employed while attending school as a full-time student. No youth may be employed beyond September 30 of each calendar year.

3300.0700 REALLOCATION PROCEDURES.

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

A. and B. [Unchanged.]

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that

they are unable to obtain sufficient youth who meet the criteria in part 3300.0500, subpart 2, and the department concurs.

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

REPEALER. Minnesota Rules, parts 3300.0100, subparts 6 and 8; and 3300.0600, are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 29 1985
Joan Anderson Growe
Secretary of State 9:09 AM

APPROVED AS TO LEGALITY
April 25, 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a ~~prime-sponsor-or-a~~ political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment program under the act.

Subp. 5. [Unchanged.]

Subp. 6. [See repealer.]

Subp. 7. **~~Program-employer~~ Contractor.** "~~Program-employer~~ Contractor" means an organization which employs a person under the program established by the act.

Subp. 8. [See repealer.]

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. **Allocations to counties.** The commissioner shall allocate funds available under the act as follows:

A. [Unchanged.]

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

(1) historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July, and August for the most recent three-year period for which such data is available; and

(2) the county's proportion of families below the poverty level as evidenced by ~~1970~~ 1980 United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state; ~~and~~

~~(3) estimates of postsecondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board or, in their absence, by the most recent United States Census data.~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: Joh Fully

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

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

$$A_{ci} = \frac{0.5F(YP_{ci})}{YP_s} + \frac{0.5\,F(YP_{ci})(U_{ci})(P_{ci})(C_{ci})}{\sum_{i=1}^{n}\left[(YP_{ci})(U_{ci})(P_{ci})(C_{ci})\right]} .$$

where:

(1) A_{ci} = allocation to the i^{th} county;

(2) F = funds available under the act;

(3) YP_{ci} = youth population 14 through 21 years of age in the i^{th} county, determined by interpolation for the current year from projections of the state demographer;

(4) YP_s = ~~same as subitem (3) for the state~~ the sum of YP_{ci}s for all counties in the state;

(5) ~~YPA_{ci} = youth population as in subitem (3), but adjusted for postsecondary school enrollment as refereneed in item B, subitem (3);~~

~~(6)~~ U_{ci} = most recent three year average of official labor force unemployment rates for the months of June, July, and August for the i^{th} county; ~~and~~

~~(7)~~ (6) P_{ci} = percent of all families with income below the poverty level in the i^{th} county as evidenced by the ~~1970~~ 1980 United States Census or more recent population surveys as referenced in subpart 2, item B, ~~subitem (2);~~ and

(7) $C_{ci} = \left[1 - \frac{1.5 \text{ (no. of students 20-21)}}{\text{youth population 14-21}}\right]$ for the i^{th} county.

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

A. Each city within the county which has a total population of 2,500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent United States Bureau of Census

APPROVED FOR REVISOR'S OFFICE BY:

estimates. ~~Each Indian reservation within the county shall receive that portion of the county's allocation which is proportionate to the population of the Indian reservation as compared to the total population of the county as evidenced by 1970 United States Census figures~~ Allocations to Indian reservations will be based on the same procedure as that of cities. Reservation population and counties of location will be based on the most recent United States Bureau of Indian Affairs and/or United States Bureau of Census Information.

B. [Unchanged.]

3300.0400 CONTRACTING ~~PROCEDURES~~.

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

~~A. sign the contract for the entire amount of the allocation and directly administer the program;~~

~~B. sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions or nonprofit organizations, or both, within the prime sponsor's jurisdiction;~~

~~C. designate all or a part of the allocation to be directly used by a state agency, political subdivision, or a nonprofit organization; or~~

~~D. decline the offer of the contract. In such a case, the commissioner shall offer to contract directly with the cities, Indian reservations, and counties in the prime sponsor's area~~ The commissioner may enter into contracts for operation of the program with organizations defined in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs is determined by the commissioner in consultation with private industry councils and chief elected officials authorized to administer the Job Training Partnership Act under Public Law Number 97-300 in Minnesota. The department retains ultimate responsibility for administration and operation of the program.

APPROVED IN THE OFFICE OF STATUTES OFFICE BY:

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 50 percent of the youths hired should be from families which meet the ~~criteria~~ definition for economically disadvantaged as established ~~by the Employment and Training Administration of the United States Department of Labor at Code of Federal Regulations, title 20, sections 675.4 and 675.5 10 (1980)~~ under Public Law Number 97-300, section 4. ~~However,~~ If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a ~~prime sponsor~~ contractor which has received an allocation under part 3300.0300, and the ~~prime sponsor~~ contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. **Postsecondary program.** Notwithstanding subpart 1, at least 33-1/3 percent of the funds allocated to the ~~prime sponsor~~ area served by the contractor are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 50 percent of the youths hired should be from families which meet the ~~criteria~~ definition for economically disadvantaged as established ~~by the Employment and Training Administration of the United States Department of Labor at Code of Federal Regulations, title 20, sections 675.4 and 675.5 10 (1980)~~ under Public Law Number 97-300, section 4. ~~However,~~ If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a ~~prime sponsor~~ contractor which has received an allocation under part 3300.0300, and the ~~prime~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

sponsor contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with the procedures set forth in part 3300.0700.

Subp. 3. **Eligible youth.** To obtain eligible youths, program employers contractors must place a job order orders with the department and may employ only those youths referred by the department.

Subp. 4. [Unchanged.]

Subp. 5. **Supervisors.** A program employer contractor may designate one eligible youth as supervisor for every ten youths in its employ under the act. Program employers Contractors who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 25 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

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

3300.0700 REALLOCATION PROCEDURES.

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

A. and B. [Unchanged.]

In addition, the prime sponsors contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,000 $1,500 between any subdivision above for the purpose of simplified administration of the program.

Prime sponsors Contractors may shift funds from the postsecondary portion of their program to the regular portion of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria ~~set-forth~~ in part 3300.0500, subpart 2, and the department concurs.

During the period of the contract, the department may shift funds from one ~~prime-sponsor~~ contractor to another ~~prime-sponsor~~ with the mutual consent of both ~~prime-sponsors-if-the-prime sponsor-releasing-the-funds-certifies-that-such-funds-are surplus-and-unlikely-to-be-used-within-his-area-by-the-end-of the-contract-period-and-the-prime-sponsor-receiving-the-funds certifies-that-the-funds-are-likely-to-be-used-before-the-end-of the-contract-period~~ contractors.

REPEALER. Minnesota Rules, parts 3300.0100, subparts 6 and 8; and 3300.0600, are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD702

Agency: Department of Economic Security

Division:

Agency Contact: Mike Fratto, 296-3574

Minnesota Rules: Parts 3300.0100; 3300.0300; 3300.0400; 3300.0500; and 3300.0700

Title: Proposed Rules Relating to Employment; Summer Youth Jobs

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

John C. Fuller
Assistant Deputy Revisor
Phone: 296-0955
Date: February 1, 1985

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Employment; Summer Youth Jobs.

ORDER ADOPTING NONCONTROVERSIAL RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on February 25, 1985, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on February 20, 1985.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules 3300.0100 to 3300.0700 this 28th day of March, 1985, pursuant to the authority vested in me by Minnesota Statute § 268.33.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Housing Finance Agency

Adopted Rules Governing Home Energy Loans

The rules proposed and published at *State Register*, Volume 8, Number 50, pages 2648-2650, June 11, 1984 (8 S.R. 2648) are adopted with the following modifications:

Rules as Adopted

4900.0592 ELIGIBLE PROPERTIES.

The property to be improved by a home energy loan is restricted as follows:

E. ~~Mobile homes are not eligible for a home energy loan~~ A manufactured or factory-made house is eligible for home energy loans only if it is permanently fixed to land by way of a foundation and is taxed as real property.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Economic Security

Outside Opinion Sought Concerning the Rule Governing the Summer Youth Employment

Notice is hereby given that the Department is seeking information or opinions from sources outside the Department in preparing to amend Minnesota Rules, parts 3300.0100 to 3300.0700, governing the Summer Youth Employment Program (Governor's Youth Program), pursuant to Minnesota Statutes, section 14.10.

The amendment of the rule is authorized by Minnesota Statutes, section 268.33, which permits the Department to promulgate rules regarding eligibility for employment and placement under this program.

The Department requests information and comments concerning the subject matter of the rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Statements should be submitted to:

Larry Cheetham
Youth Services Supervisor
Department of Economic Security
5th floor
390 North Robert St.
St. Paul, MN 55101
(612) 296-6734

Any written material received by the Department shall become part of the rulemaking record in the event tne rule is adopted.

All statements of information and comment shall be accepted until 4:30 p.m. on September 17, 1984.

Michael J. Fratto
Rules Coordinator
Department of Economic Security

Department of Energy and Economic Development Minnesota Energy and Economic Development Authority

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, Inclusive—Englund Graphics, Inc.

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on September 26, 1984, at 3:00 p.m., at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, inclusive, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Englund Graphics, Inc. (the "Company"), a Minnesota corporation, engaged in the business of designing and manufacturing forms for business and commercial use in Minnesota. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the construction of a new building on land to be acquired by the Company and the equipping thereof for use in connection with its business operations in the design and manufacture of forms for business and commercial use, to be located in City of New Hope, Hennepin County, Minnesota (street address: 49th Avenue North at Flag Avenue, New Hope, Minnesota) (the "Project"). The initial owner, operator and manager of the Project will be the Company. The estimated maximum amount of the proposed bond issue is an amount equal to $500,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the application to the Authority for approval of the Project, toether with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota form the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

August 22, 1984.

By Order of the Members of the
Minnesota Energy and Economic
Development Authority,
Lyn Burton, Vice Chair

Department of Energy and Economic Development Minnesota Energy and Economic Development Authority

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, Inclusive—H & D Properties

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on September 26, 1984, at 3:00 p.m., at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul,

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment; Summer Youth Jobs

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this 18th day of January 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department for that purpose and be published in the State Register.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Amendment of Rules of the State of Minnesota Relating to Employment; Summer Youth Jobs

NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Notice is hereby given that the Department proposes to amend the above entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of the rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The Amendment of the rules is authorized by Minnesota Statutes, 268.33, which requires the Department to establish rules governing eligibility for employment and placement under the Minnesota Youth Program. The public is encouraged to comment on the proposed rules. The public shall have 30 days to submit comment in support of, or in opposition to, the proposed rules. Each comment should identify the portion of the proposed rules addressed, the reason for comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion or the proposed rules addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

If a public hearing is not required, notice of the date of submission of the proposed rules to the Administration Division of the Office of the Attorney General for review will be mailed to any person requesting to receive the notice.

Comments, written requests for a public hearing, and requests for notice of the date of submission to the Attorney General should be submitted to:

Larry Cheetham
Department of Economic Security
390 North Robert Street
St. Paul, MN 55101
612/296-6734

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from: Mr Cheetham.

These rules will have no impact on small businesses in the State of Minnesota.

A copy of the proposed rules is attached to this notice.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara Beerhalter
COMMISSIONER

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment: Summer Youth Jobs

AFFIDAVIT OF
MAILING

Larry Cheetham, being duly sworn deposes and says:

That on the 20 day of February, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for the United States Mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department for the purpose of receiving notice of rulemaking by the Department.

STATE OF MINNESOTA

Larry Cheetham
Summer Youth Specialist
Department of Economic Security

Subscribed and sworn to before me
this 20th day of February, 1985

H.E. Kelly
Notary Public
Ramsey County

H. E. KELLY
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 11, 1990

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption
Of Amendments to Rules of the State of
Minnesota Relating to Employment; Summer
Youth Jobs

MAILING LIST
CERTIFICATE

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes, Section 14.14, Subdivision 1a, that their names be placed on file with and maintained by the Department for the purpose of receiving notice of proposed adoption of rules by the Department is accurate and complete as of 10:00 A.M., this 11th day of February, 1985.

STATE OF MINNESOTA

Michael J. Fratto
Rules Coordinator
Department of Economic Security

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Economic Security

Proposed Rules Relating to Employment; Summer Youth Jobs

Notice of Intent to Adopt Rules without Public Hearing

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If 25 or more persons submit written requests for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion or the proposed rules addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

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Larry Cheetham
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390 North Robert Street
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Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from: Mr. Cheetham.

These rules will have no impact on small businesses in the State of Minnesota.

A copy of the proposed rules is attached to this notice.

Barbara Beerhalter
Commissioner

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Contract. "Contract" means an agreement entered into between a ~~prime sponsor or~~ a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment program under the act.

Subp. 5. [Unchanged.]

Subp. 6. [See repealer.]

Subp. 7. ~~Program employer~~ Contractor. "~~Program employer~~ Contractor" means an organization which employs a person under the program established by the act.

Subp. 8. [See repealer.]

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. Allocations to counties. The commissioner shall allocate funds available under the act as follows:

A. [Unchanged.]

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

(1) historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July, and August for the most recent three-year period for which such data is available; and

(2) the county's proportion of families below the poverty level as evidenced by ~~1970~~ 1980 United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state; ~~and~~

~~(3) estimates of postsecondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board or, in their absence, by the most recent United States Census data~~.

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

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

$$\frac{A_{ci} = 0.5F(YP_{ci})}{YP_s} + \frac{0.5\,F(YP_{ci})\ (U_{ci})\ (P_{ci})\ (C_{ci})}{\sum_{i=1}^{n} \left[(YP_{ci})\ (U_{ci})\ (P_{ci})\ (C_{ci})\right]}$$

where:

(1) A_{ci} = allocation to the i^{th} county;

(2) F = funds available under the act;

(3) YP_{ci} = youth population 14 through 21 years of age in the i^{th} county, determined by interpolation for the current year from projections of the state demographer;

(4) YP_s = ~~same as subitem (3) for the state~~ the sum of YP_{ci}s for all counties in the state;

(5) ~~YPA_{ci} = youth population as in subitem (3), but adjusted for postsecondary school enrollment as referenced in item B, subitem (3);~~

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

~~(6)~~ U_{ci} = most recent three year average of official labor force unemployment rates for the months of June, July, and August for the i^{th} county; ~~and~~

~~(7)~~ (6) P_{ci} = percent of all families with income below the poverty level in the i^{th} county as evidenced by the ~~1970~~ 1980 United States Census or more recent population surveys as referenced in subpart 2, item B~~, subitem (2)~~; and

(7) $C_{ci} = \left[1 - \frac{1.5 \text{ (no. of students 20-21)}}{\text{youth population 14-21}}\right]$ for the i^{th} county.

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

A. Each city within the county which has a total population of 2,500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent United States Bureau of Census estimates. ~~Each Indian reservation within the county shall receive that portion of the county's allocation which is proportionate to the population of the Indian reservation as compared to the total population of the county as evidenced by 1970 United States Census figures~~ Allocations to Indian reservations will be based on the same procedure as that of cities. Reservation population and counties of location will be based on the most recent United States Bureau of Indian Affairs and/or United States Bureau of Census Information.

B. [Unchanged.]

3300.0400 CONTRACTING ~~PROCEDURES~~.

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

~~A. sign the contract for the entire amount of the allocation and directly administer the program;~~

~~B. sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions or nonprofit organizations, or both, within the prime sponsor's jurisdiction;~~

~~C. designate all or a part of the allocation to be directly used by a state agency, political subdivision, or a nonprofit organization; or~~

~~D. decline the offer of the contract. In such a case, the commissioner shall offer to contract directly with the cities, Indian reservations, and counties in the prime sponsor's area~~ The commissioner may enter into contracts for operation of the program with organizations defined in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs is determined by the commissioner in consultation with private industry councils and chief elected officials authorized to administer the Job Training Partnership Act under Public Law Number 97-300 in Minnesota. The department retains ultimate responsibility for administration and operation of the program.

3300.0500 OPERATION PROCEDURES.

Subpart 1. Regular program. Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 50 percent of the youths hired should be from families which meet the ~~criteria~~ definition for economically disadvantaged as established ~~by the Employment and Training Administration of the United States Department of Labor at Code of Federal Regulations, title 20, sections 675.4 and 675.5 10 (1980)~~ under Public Law Number 97-300, section 4. ~~However,~~ If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a ~~prime sponsor~~ contractor which as received an allocation under part 3300.0300, and the ~~prime sponsor~~ contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. Postsecondary program. Notwithstanding subpart 1, at least 33-1/3 percent of the funds allocated to the ~~prime sponsor~~ area served by the contractor are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 50 percent of the youths hired should be from families which meet the ~~criteria~~ definition for economically disadvantaged as established ~~by the Employment and Training Administration of the United States Department of Labor at Code of Federal Regulations, title 20, sections 675.4 and 675.5 10 (1980)~~ under Public Law Number 97-300, section 4. ~~However,~~ If there are insufficient eligible youths from economically disadvantaged families available for employment to meet his goal within an area under the jurisdiction of a ~~prime sponsor~~ contractor which has received an allocation under part 3300.0300, and the ~~prime sponsor~~ contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with ~~the procedures set forth in~~ part 3300.0700.

Subp. 3. Eligible youth. To obtain eligible youths, ~~program employers~~ contractors must place ~~a~~ job ~~order~~ orders with the department and may employ only those youths referred by the department.

Subp. 4. [Unchanged.]

Subp. 5. Supervisors. A ~~program employer~~ contractor may designate one eligible youth as supervisor for every ten youths in its employ under the act. ~~Program employers~~ Contractors who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 25 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

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

3300.0700 REALLOCATION PROCEDURES.

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

A. and B. [Unchanged.]

In addition, the ~~prime sponsors~~ contractors may reallocate up to the equivalent of one full-time slot or position not to exceed ~~$1,000~~ $1,500 between any subdivision above for the purpose of simplified administration of the program.

~~Prime sponsors~~ Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria ~~set forth~~ in part 3300.0500, subpart 2, and the department concurs.

During the period of the contract, the department may shift funds from one ~~prime sponsor~~ contractor to another ~~prime sponsor~~ with the mutual consent of both ~~prime sponsors if the prime sponsor releasing the funds certifies that such funds are surplus and unlikely to be used within his area by the end of the contract period and the prime sponsor receiving the funds certifies that the funds are likely to be used before the end of the contract period~~ contractors.

REPEALER. Minnesota Rules, parts 3300.0100, subparts 6 and 8; and 3300.0600, are repealed.

Department of Human Services

Proposed Rules Relating to Hospital Medical Assistance Reimbursement

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Minnesota Veterans Home, Chapel—Auditorium, Building No. 15, 5105 Minnehaha Avenue South, Minneapolis, Minnesota on March 28, 1985, commencing at 9 a.m. and continuing until all interested persons have an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone number 612/341-7645, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in

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STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Employment; Summer Youth Jobs.

FINDINGS OF FACT AND CONCLUSIONS FOR NONCONTROVERSIAL RULES

Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter was published in the State Register on February 25, 1985, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on February 20, 1985.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules, I find the Department can adopt the rules as proposed.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

Minnesota Youth Program Rules

Statement of Need and Reasonableness

Minnesota Rule Parts 3300.0100 through 3300.0700 (Summer Youth Employment) needs to be amended because the federal law referenced in the rule, the Comprehensive Employment and Training Act of 1973, Public Law Number 93-203 expired effective September 30, 1983. References in the rule to organizations authorized under that law became obsolete with its expiration.

The proposed rule reflectes the new state-local relationship in the employment and training area as established under the Job Training Partnership Act (PL 97-300).

Certain information used in the formula in calculating allocations to cities and counties (Part 3300.0300) became unavailable to the Department in time to calculate the allocation. Thus, it is necessary to amend the allocation formula in the rule to accurately reflect the method of allocation we must now use.

Since these amendments to the rule needed to be made, it appears reasonable to simplify and clarify the rule at the same time.

The proposed rule will have no effect on small business.

3300.0100, Subpart 4 Contract.

The term "Prime Sponsor" in this part is deleted because with the expiration of the Comprehensive Employment and Training Act of 1973, PL Number 93-203 the entity "Prime Sponsor" ceased to exist.

The term "school district" was added to this part to more accurately reflect the types of organizations authorized to participate under the Act.

3300.0100 Subpart 6.

Subpart 6 is repealed because with the expiration of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 and the cessation of the entity - prime sponsor, a definition of the term is no longer needed.

3300.0100, Subpart 7.

The term "Program Employer" was replaced with "Contractor" to more accurately reflect the relationship of the Department with those organizations using funds under the Act. In addition, in other parts of the rule the term "Prime Sponsor" is replaced with the term "Contractor". Thus, replacing the term "Program Employer" with the term "Contractor" in this subpart avoids the need for an additional subpart defining contractor and further maintains consistency of terminology throughout the rule.

3300.0100 Subpart 8.

Subpart 8 is repealed as it is no longer necessary as a result of the amended procedure for contracting in 3300.0400.

3300.0300 Subpart 1 B 2.

The term 1970 is replaced by 1980 to reflect more accurately the most recent United Sates census survey.

3300.0300 Subpart 1 B 3.

Subpart 1 B 3 is repealed because the data specified therein is no longer available to the Department in time to prepare the allocations. The data referenced in 3300.0300 Subpart 1 B 3 has only a minor effect on the allocations.

3300.0300 Subpart 1 C.

The repeal of 3300.0300 Subpart 1 B 3 necessitates a change in the allocation formula. In addition, there is a typographical error in the mathematical formula used to expres the method of allocation. In the second part of the mathematical formula the term 0.5C should be 0.5FC. All of the changes in 3300.0300 Subpart 1 C reflect the change in the allocation formula.

3300.0300 Subpart 2 - Allocatoin to cities and indian reservation.

The language in 3300.0300 Subpart 2 is amended so that the procedures used to allocate funds to indian reservations use the most recent and most accurate population data available to the Department.

3300.0400 - Contracting.

The language in 3300.0400 (which refers to the procedures used to contract with prime sponsors) is deleted. The reason for the deletion is that the entity

"prime sponsor" ceased to exist with the expiration of the federal Comprehensive Employment and Training Act of 1973, Public Law 93-203. The deleted language is replaced with language which:

1. More nearly reflects the intention of the law (MS 268.34) namely that all organizations with experience in administering summer youth employment programs may be considered for contracting.

2. Provides for local input in the contractor selection while at the same time it does not preclude any eligible organization from being considered as a contractor.

3300.0500 - Operation Procedures, Subpart 1 Regular Program.
The reference "Code of Federal Regulations, Title 20, section 675.4 and 675.510 (1980) is deleted because its definition of economically disadvantaged has been replaced by PL 97-300 section 4 (1982). The term prime sponsor is replaced by the term contractor to conform with the definition in Part 3300.0100 Subpart 7 and to maintain consistency of terminology throughout the rule.

3300.0500 - Operation Procedures, Subpart 2 - Postsecondary Program.
The deletions and replacement of language in this subpart are the same as in 3300.0500 subpart 1 and were done for the same reasons as set forth above.

3300.0500 Subpart 3 - Eligible Youth.
The term "Program Employers" is replaced by the term "Contractors" to conform with the definition in 3300.0100 Subpart 7 and for the purpose of maintaining

consistency of terminology throughout the rule. The term "Job Order" is replaced by "Job Orders" because contractors typically place more than one job order with the Department, particularly in those cases where the contractor's program operation encompasses more than one political subdivision (e.g., several cities or several counties).

3300.0500 Subpart 5 - Supervisors.

The term "Program Employers" is deleted and replaced with the term "Contractors" to conform with the definition in 3300.0100 Subpart 7 and to maintain consistency of terminology in the rule.

3300.0600 - Invoicing.

Part 3300.0600 is repealed because invoicing procedures are set forth in contracts the Commissioner signs with eligible organizations. In addition, the language in this part would appear to prohibit administrative costs. Such costs are not prohibited by the act.

3300.0700, Subpart C - Reallocation procedures.

The terms "Prime Sponsor" in this subpart are deleted and replaced with the term contractor to comply with the definition in 3300.0100 Subpart 7 and to maintain consistency of terminology in the rule. The amount $1,000 is deleted and replaced with $1,500 because the latter amount more accurately reflects the current cost of one full-time slot.

The terminology in the last sentence of 3300.0700 Subpart C beginning as follows "Prime sponsors if the prime sponsor releasing the funds certifies such

funds are surplus and unlikely to be used within his area by the end of the contract period and the prime sponsor receiving the funds certifies that the funds are likely to be used before the end of the contract period" is deleted and replaced with the term contractor. With the expiration of the federal Comprehensive Employment and Training Act of 1973, PL 93-203 and the consequent end of the prime sponsor entity the reference to prime sponsor is obsolete and unnecessary.

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Employment; Summer Youth Jobs.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Peter C. Andrews, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Office of the Attorney General have been followed.

STATE OF MINNESOTA

Peter C. Andrews
~~SPECIAL~~ ASSISTANT ATTORNEY GENERAL
DEPARTMENT OF ECONOMIC SECURITY

_____
Date