

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

05.0004, 0410

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-15-86
DATE FOR REVIEW 5-23
DATE DUE 5-29

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

Approved 5/29/86 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 5-30-86 Revisor approved _____ disapproved _____

_____ Rule as Adopted

___✓___ Rule as Proposed

___✓___ Order Adopting 5.9.86 Date combined with FF

___✓___ Notice of Intent to Solicit Outside Opinion SR 10.7.85. with comments

_____ Order for rulemaking
_____ date of Hearing not submitted

___N/A___ Certificate of Board's Authorizing Resolution

___✓___ Notice of rulemaking
___?___ Sufficiency no small biz statement. Incorrect citation to hearing section of statute

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

___✓___ Mailing list Certificate

___?___ Publication in State Register same citation error as above.
4.7.86 At least 30/~~20~~ 25 days prior to ~~hearing~~/adoption

___N/A___ Hearing Examiner's Report

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

___✓___ Agency's Findings of Fact combined with Order Adopting

___N/A___ LCRAR Report or agency Affidavit

___N/A___ Certificate of Board's Resolution Adopting Rules

___N/A___ Order Approving Incorporation by Reference

_____ Statement of Need and Reasonableness statement of no effect on small biz

___N/A___ Petition for Adoption of a Rule

___N/A___ 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

___N/A___ Notice of Submission to the Attorney General

___✓___ approval by Office of Full Productivity + Opportunity.
Note: submission to this office appears to be after Notice & Solicit Outside Opinion, contrary to 267.03 subd 2 (9).

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO: JOSEPH SAMARGIA, Commissioner
Department of Jobs and Training

DATE: 5/30/86

ATTN: DONALD NOTVICK
Special Assistant Attorney General

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of the Rule of the State Department of Jobs and Training Governing Youth Employment Opportunity

The above-referenced rule has been approved as to its legality by the Attorney General on May 29, 1986.

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.

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1275

Department of Jobs and Training

Adopted Rules Relating to Youth Employment Opportunity

Rules as Adopted

3300.0100 DEFINITION OF TERMS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Jobs and Training.

Subp. 4. [Unchanged.]

Subp. 5. **Department.** "Department" means the Minnesota Department of Jobs and Training.

Subp. 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment funded under the act.

3300.0300 ALLOCATION OF FUNDS.

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

A. Fifty percent of the funds available under the act shall be allocated to counties on the basis of each county's share of the estimated youth population of the state which is from the ages of 14 years up to but not including 22 years.

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 from the ages of 14 years up to but not including 22 years, adjusted for:

(1) [Unchanged.]

(2) the county's poverty ratio based upon the percent of children from five to 17 years of age living in families below the poverty line as evidenced by the most recent 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.

Subp. 2. [Unchanged.]

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs will be determined by the commissioner taking into consideration recommendations made by local service units. The commissioner may also consider recommendations by other organizations with experience in operating summer youth programs.

3300.0601 SUPPORT SERVICES.

Using funds allocated under the act, contractors shall provide or arrange for support services for eligible youth. The cost of the support services must not exceed ten percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, and other normal expenses associated with employment funded under the act.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 30 1986
Joan Anderson Growe
Secretary of State

10:44AM

APPROVED AS TO FORM AND LEGALITY
5/25 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Department of Jobs and Training

Proposed Rules Relating to Youth Employment Opportunity

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of ~~Economic-Security~~ Jobs and Training.

Subp. 4. [Unchanged.]

Subp. 5. **Department.** "Department" means the Minnesota Department of ~~Economic-Security~~ Jobs and Training.

Subp. 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment funded under the act.

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A. Fifty percent of the funds available under the act shall be allocated to counties on the basis of each county's share of the estimated youth population of the state which is ~~14 through 21 years of age~~ from the ages of 14 years up to but not including 22 years.

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~~ from the ages of 14 years up to but not including 22 years, adjusted for:

(1) [Unchanged.]

(2) the county's ~~proportion of families below the poverty level~~ poverty ratio based upon the percent of children from five to 17 years of age living in families below the poverty line as evidenced by ~~1980~~ the most recent United States

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

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:~~

$$A_{ci} = 0.5P(YP_{ci}) + \frac{0.5-P(YP_{ci})(U_{ci})(P_{ci})(e_{ci})}{\sum_{i=1}^{n}(YP_{ci})(U_{ci})(P_{ci})(e_{ci})}$$

~~where:~~

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

~~(2) P = 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) e_{ci} = 1 + 1.5 (no. of students 20-21) for the i^{th} county.~~
~~youth population 14-21~~

Subp. 2. [Unchanged.]

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations ~~defined~~ enumerated in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs ~~is~~ will be 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~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~Number-97-300-in-Minnesota.--The-department-retains-ultimate responsibility-for-administration-and-operation-of-the program~~ taking into consideration recommendations made by local service units. The commissioner may also consider recommendations by other organizations with experience in operating summer youth programs.

3300.0601 SUPPORT SERVICES.

Using funds allocated under the act, contractors shall provide or arrange for support services for eligible youth. The cost of the support services must not exceed ten percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, and other normal expenses associated with employment funded under the act.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD923

Agency: Department of Jobs and Training

Division:

Agency Contact: Colleen Gunderson

Minnesota Rules: Parts 3300.0100; 3300.0300;
3300.0400; 3300.0601

Title: Proposed Rules Relating to Youth Employment Opportunity

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

John C. Fuller
Assistant Deputy Revisor
Phone: 296-0955
Date: March 19, 1986

STATE OF MINNESOTA

DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of the Rule of the State Department of Jobs and Training Governing Youth Employment Opportunity

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE ADOPTED WITHOUT PUBLIC HEARING

Notice of the Commissioner's proposed adoption of the above-entitled rule was published in the State Register on April 7, 1986 and a description of the rule was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a) and 14.22 on April 8, 1986.

All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. Fewer than 25 written requests for hearing within the 30-day comment period were received.

No submissions or comments on the rule or requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Rule Relating to Youth Employment Opportunity, parts 3300.0100 to 3300.0700 is adopted this 9th day of May, 1986 pursuant to authority vested in me by Minnesota Statutes, sections 268.021 and 268.33.

STATE OF MINNESOTA

JOSEPH SAMARGIA
COMMISSIONER OF DEPARTMENT OF JOBS AND TRAINING

care homes participating in the Medical Assistance program, and establishing procedures for the review of the appropriateness and quality of care and services furnished to recipients of medical assistance.

This rule is authorized by Minnesota Statutes, section 144.072.

All interested or affected persons or groups are requested to participate. Statements of information or comments may be made orally or in writing. Written statements of information and comment may be addressed to:

Gary Goetzke
Quality Assurance and Review
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440

Oral statements of information and comment will be received over the phone at 612/623-5627 between 8:00 a.m. and 4:30 p.m. Mondays through Fridays.

Oral statements of information and comment will be received over the phone at 612/623-5627 between 8:00 a.m. and 4:30 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Department of Human Services

Notice of Intent to Solicit Outside Opinion Concerning Rules Relating to Nursing Home Payment Rate Determination

Notice is hereby given that the Minnesota Department of Human Services plans to promulgate permanent rule parts 9549.0050 to 9549.0059—Rules Relating to Nursing Home Payment Rate Determination.

This rule is authorized by Minnesota Statutes, section 256B.431; and governs the determination of operating cost payment rates for nursing homes licensed under Minnesota Statutes, Chapter 144A or boarding care facilities licensed under Minnesota Statutes, section 144.50 to 144.58 participating in the Medical Assistance Program.

These rules will replace temporary rule parts 9549.0050 to 9549.0059.

All interested or affected persons or groups are requested to participate.

Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

Rosemary Chapin
Department of Human Services
Sixth Floor, Space Center
444 Lafayette Road
St. Paul, Minn. 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-1488.

All statements of information and comment will be accepted until further notice is given. Any written material received by the Department shall become part of the hearing record.

Department of Jobs and Training

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the Summer Youth Employment Program

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 (Minnesota 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:

Darvin Swanson, Manager, Program Services
Department of Jobs and Training
690 American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
(612) 296-1194

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

All statements of information and comment shall be accepted until notice of intent to adopt permanent rules is published.

Department of Jobs and Training

Statement of Policy and Commitment to Equal Opportunity

It is the policy of the State of Minnesota, the Minnesota Department of Jobs and Training, and the State Job Training Office (SJTO) to actively support and implement equal opportunity and non-discrimination within the job training services and programs established under the Job Training Partnership Act (JTPA).

The State Job Training Office will ensure that all programs and services provided under the Job Training Partnership Act are directed toward equal opportunity in job training and employment for minorities, women, handicapped, veterans, older workers, displaced homemakers, youth, and recovering chemically-dependents.

Equitable treatment and services will be provided without regard to race, color, creed, religion, sex, national origin, age, handicap, marital status, citizenship, public assistance, or political affiliation or belief. In particular, equitable services will be provided to recipients of aid to families with dependent children (AFDC) and high school dropouts, as directed by the Act.

Equal job training opportunity cannot occur in the presence of discrimination, irrespective of form. Therefore, the State Job Training Office supports the nondiscrimination provisions of all state and federal laws, rules, and regulations.

Implementation of this policy will occur through the combined efforts of the State of Minnesota, the Department of Jobs and Training, the Governor's Job Training Council, the State Job Training Office, and the Service Delivery Area Equal Opportunity designees.

To assure compliance throughout the JTPA jurisdiction with the principles of equal opportunity and nondiscrimination, the State Job Training Office makes public the Equal Opportunity/Affirmative Action designees for each Service Delivery Area (SDA) in Minnesota as follows:

NORTHWEST SDA
Gail Butenhoff, Director
Northwest RDC
425 Woodland
Crookston, MN 56716
(218) 281-1396

NORTHEAST SDA
Ed Putzel
NE Minnesota Office
of Job Training
Midway School
P.O. Box 1285
Virginia, MN 55792

RURAL MN CEP SDA
Sharon Santwire
Rural MN CEP, Inc.
803 Roosevelt Avenue
P.O. Box 1108
Detroit Lakes, MN 56501
(218) 847-9205

SOUTHEAST SDA
Karen Keller
Southeast MN PIC
1530 Highway 52 North
Rochester, MN 55901
(507) 281-1193

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULE OF THE STATE OF MINNESOTA GOVERNING YOUTH EMPLOYMENT OPPORTUNITIES

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA

ss.

COUNTY OF RAMSEY

Colleen S. Gunderson, being first duly sworn deposes and says:

I hereby certify that the list of persons, who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a) and 14.22 or 14.30, that their names be placed on the state Department of Jobs and Training rulemaking mailing list is accurate and complete as of 3:00 P.M., this 1st day of May, 1986.

That on the 8th day of April, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached notice of Proposed Adoption of a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof with postage prepaid, to all persons on the aforementioned mailing list.

Colleen S. Gunderson

Subscribed and sworn to before me
this 2nd day of May, 1986.

Dan W. Simpson

DAN W. SIMPSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSON EXPIRES MARCH 27, 1991

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Amendment
of Rules of the State of Minnesota
Relating to Youth Employment Opportunity

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 amendment of the rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.

The amendment of the rules is authorized by Minnesota Statutes, sections 268.021 and 268.33 which require the Department to make rules to implement the Youth Employment Opportunities Program.

The public is encouraged to comment on the proposed rules. The public shall hove 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 14.22 to 14.28.

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, written requests for a free copy of the proposed rules, and requests for notice of the date of submission to the Attorney General should be submitted to:

Lawrence Cheetham
Youth Services Supervisor
Department of Jobs and Training
690 American Center Building
150 East Kellog Blvd.
St. Paul, MN 55101
(612) 296-6734

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each amendment to 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 Lawrence Cheetham at the above address.

The proposed rules reflect changes in Minn. Stat. §§ 268.31 to 268.36 as amended by the Omnibus Jobs Act including a change in the name of the department from Economic Security to Jobs and Training. The current rule needs to be amended for clarification of and consistency with the new statutory language. In addition, technical changes were made for reasons of simplification and accuracy.

The most significant rule amendments proposed are:

1. Adding a definition of support services and a provision requiring payment of support services with program funding not to exceed ten percent of the contract.

2. Changing one of the datum used in adjusting the allocation formula: Rather than determining the county's poverty level based on number of families below poverty level, the percent of children 5 - 17 years of age living in families below the poverty level, is used.

STATE OF MINNESOTA

Joseph Samargia
COMMISSIONER OF
DEPARTMENT OF JOBS
AND TRAINING

No AG submission statement

4900.1361 HOMEOWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE UNDER PROGRAM.

The agency may provide interest-free down payment assistance loans to recipients eligible for monthly homeownership assistance under the tax reform transition demonstration program who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required down payment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the down payment assistance loan shall equal the amount by which the sum of the down payment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling, but it shall not exceed the lesser of 50 percent of the down payment or $1,500.

4900.1362 REPAYMENT.

Repayment shall be as provided in part 4900.1350.

Department of Jobs and Training

Proposed Rules Relating to Youth Employment Opportunity

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 amendment of the rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.

The amendment of the rules is authorized by Minnesota Statutes, sections 268.021 and 268.33 which require the Department to make rules to implement the Youth Employment Opportunities 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 of 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 14.22 to 14.28.

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Lawrence Cheetham
Youth Services Supervisor
Department of Jobs and Training
690 American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
(612) 296-6734

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each amendment to 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 Lawrence Cheetham at the above address.

A copy of the proposed rules follows this notice.

March 18, 1986

Joseph Samargia, Commissioner
Department of Jobs and Training

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of ~~Economic Security~~ Jobs and Training.

Subp. 4. [Unchanged.]

Subp. 5. **Department.** "Department" means the Minnesota Department of ~~Economic Security~~ Jobs and Training.

Subp. 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment funded under the act.

3300.0300 ALLOCATION OF FUNDS.

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

A. Fifty percent of the funds available under the act shall be allocated to counties on the basis of each county's share of the estimated youth population of the state which is ~~14 through 21 years of age~~ from the ages of 14 years up to but not including 22 years.

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~~ from the ages of 14 years up to but not including 22 years, adjusted for:

(1) [Unchanged.]

(2) the county's ~~proportion of families below the poverty level~~ poverty ratio based upon the percent of children from five to 17 years of age living in families below the poverty line as evidenced by ~~1980~~ the most recent 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:~~

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

~~where:~~

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

~~(2) F = funds available under the act;~~

~~(3) YP_{ei} = 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_{ei} for all counties in the state;~~

~~(5) U_{ei} = 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_{ei} = 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_{ei} = $1 - \frac{1.5 \text{ (no. of students 20-21) for the } i^{th} \text{ county.}}{\text{youth population 14-21}}$~~

Subp. 2. [Unchanged.]

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations ~~defined~~ enumerated in part 3300.0100, subpart 4. Selection of contractors with experience in administering summer youth employment programs ~~is~~ will be

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.

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~~ taking into consideration recommendations made by local service units. The commissioner may also consider recommendations by other organizations with experience in operating summer youth programs.

3300.0601 SUPPORT SERVICES.

Using funds allocated under the act, contractors shall provide or arrange for support services for eligible youth. The cost of the support services must not exceed ten percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, and other normal expenses associated with employment funded under the act.

Department of Revenue
Property Equalization Division

Proposed Rules Relating to Railroad Valuation

Notice of Intent to Repeal Suspended Rules and to Adopt Permanent Rules without a Public Hearing

Notice is hereby given that the State Department of Revenue, Property Equalization Division, proposes to repeal Minnesota Rules 8105.0100 to 8105.9900 entitled "Ad Valorem Tax: Valuation and Assessment of Railroads." These rules were suspended until further notice by order of the Commissioner on June 13, 1984. This repeal is made pursuant to Findings of Fact, Conclusions of Law and Order for Judgment issued by the Minnesota Tax Court on November 13, 1983 in the matter of the Soo Line Railroad Company vs. the Commissioner of Revenue. This order reads in part . . . "Regulations of the Commissioner of Revenue that do not conform to the statutes do not have the force and effect of law and will be disregarded." Additionally, in his memorandum attached to this Order, Judge Carl A. Jensen states, "The evidence produced at the trial of this matter indicated the Rules 13 MCAR Section 1.0024 (now recodified into MR 8105) adopted by the Commissioner of Revenue to determine valuation of railroad property do not properly reflect the valuation and to the extent that they conflict with this decision, the rules are overruled."

Rather than speculate on which part of the rules do not conform to the statutes and which rules do not properly reflect the valuation of railroad property, the Commissioner of Revenue now proposes to repeal Minnesota Rules Chapter 8105.

Acting under authority given by the Minnesota Legislature in Laws of 1984, Chapter 502, Article 9, Section 2, the Commissioner of Revenue proposes to adopt permanent rules governing the valuation and assessment of railroads which will replace the repealed rule. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes 14.21 to 14.28 (1984).

This notice of intent to adopt rules will be mailed to all interested parties registered with the Department of Revenue and a certified copy of the mailing list together with an affidavit of mailing will be submitted to the Attorney General for his review prior to adoption of the rule. Additionally the notice of intent to adopt proposed rules together with the rule itself is being published in the *State Register*.

Persons interested in these rules shall have thirty (30) days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the thirty (30) day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.14 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Wayne J. Gerwing
Property Equalization Division
Minnesota Department of Revenue
P.O. Box 64446
St. Paul, Minnesota 55164
(612) 642-0488

Authority for the adoption of these rules is contained generally in Minnesota Statutes sections: 270.06 (14), 270.11, Subd. 1 and 6; and specifically in 270.81, Subd. 5; 270.84, Subd. 1 and 270.86, Subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Wayne Gerwing at the above mentioned address, upon request.

STATE OF MINNESOTA

DEPARTMENT OF JOBS AND TRAINING

IN THE MATTER OF THE PROPOSED RULES RELATING TO YOUTH EMPLOYMENT OPPORTUNITY, MINNESOTA RULES PARTS 3300.0160 to 3300.0700.

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

These rules are presented by the Department of Jobs and Training (DJT) in accordance with the provisions of the Minnesota Administrative Procedures Act (APA), Minnesota Statutes §§ 14.22 to 14.28. The proposed rules have been developed as required by Minnesota Statutes § 268.33 as amended by Laws 1985, First Special Session, Chapter 14, Article 9 (Omnibus Jobs Act), which require the commissioner to make rules to implement the Youth Employment Opportunity Program.

The proposed rules reflect changes in Minn. Stat. §§ 268.31 to 268.36 as amended by the Omnibus Jobs Act including a change in the name of the department from Economic Security to Jobs and Training. In addition, the Jobs Act amended Minn. Stat. § 268.31 to require that up to ten percent of the allocation be used for support services. The current rule needs to be amended for clarification of and consistency with the new statutory language. In addition, technical changes were made for reasons of simplification and accuracy.

Because the proposed rule will have no effect on small business, section 14.115 of the APA does not apply.

DISCUSSION

3300.0100 DEFINITION OF TERMS

Subpart 3 Commissioner and Subpart 5 Department. The term "Economic Security" in these parts is deleted and replaced with the term "Jobs and Training" to reflect the name change of the department in Minn. Stat. §§ 268.31 to 268.36, as amended by the Jobs Act.

Subpart 9 Support Services. It is necessary to define this term because the amendment to Minn. Stat. § 268.31 (Section 41 of the Jobs Act) mandates that, in addition to establishing a program to employ eligible youth during the summer, available money must be used for job related support services. The definition is reasonable because it is consistent with the definition of support services in Parts 3301.0010 to 3301.0650 [Emergency] which were adopted to implement the majority of the Jobs Act.

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. A technical change is made in items A and B of subpart 1. It is necessary to amend the phrase describing the age of eligible youth from "14 through 21 years of age" to "from the ages of 14 years up to but not including 22 years" to avoid any possible confusion as to whether the maximum age is 21 or 22 years. The change is reasonable because the language chosen is consistent with that found in the statute.

Subpart 1. Item B(2) under subpart 1 is amended by changing the county poverty ratio from proportion of families below the poverty level to percent of children 5-17 years of age living in families below the poverty level. The reason for this change is that since this is a youth program, allocations to counties should be based upon the number of youth in need. Under the old language, many of the families who were counted in determining the county poverty ratio had no children in the family. The proposed language more nearly reflects the incidence of poverty among youth in a particular county. This technical change is reasonable because of the increased accuracy.

The reason for using the age range 5-17 years of age is that the United States Census has a table listing the number of children 5-17 years of age living in families below the poverty line and this table is available for all counties within the State. While it might seem reasonable to use percent of children 14 through 21 years of age (the age range of eligibility in the Act), use of such a database would not be practical since it would involve using methods of interpolation of other U.S. Census tables or using untabulated census data.

The term "1980" is replaced by the term "most recent" simply to avoid having to amend the rule for a date change.

Subpart 1. Item C of subpart 1 is repealed because the method of allocation is adequately described in subpart 1, items A and B. Because the mathematical description of the method of allocation in this subpart is redundant, it is reasonable to delete it. This technical change is necessary to simplify the rule.

3300.0400 CONTRACTING

The language in this part which refers to the method used by the Commissioner to determine contractors is modified. The modification replaces consultation by the Commissioner with Private Industry Councils with consultation by the Commissioner with local service units. This modification is reasonable because it brings the methods of contractor determination in accord with the methodology of contractor determination used in the Jobs Act for other state administered employment programs. In addition, the modification uses terminology consistent with that used in the Act.

3300.0601 SUPPORT SERVICES

The Jobs Act amended Minn. Stat. § 268.31 by mandating that, of the funds allocated for the Youth Employment Opportunity Program, up to ten percent of the allocation be used for support service payments. Because this mandate did not specifically designate the responsible parties, clarification is needed. This rule further refines the law by requiring the contractors, the organizations which employ the youth, to provide support services as defined in Part 3300.0100, but that the cost of services must not exceed ten percent of the contract between the contractor and the local program administrator.

This rule is reasonable because it places the burden of meeting the ten percent cost limitation on the employers rather than on the local program administrators which allows for closer monitoring. The rule implies that once a contractor has accounted for or used ten percent of the contract for support service costs, an eligible youth is not entitled to payment of support services.

This part of the rule merely lists examples of support services rather than setting forth mandatory services. A mandatory list is not reasonable because (1) each eligible youth's need for support services must be determined individually, based on the type of employment, and (2) the eligible youth is not entitled to payment of support services if the employer's costs for services to all youth employed under the Act exceeds the ten percent limitation.

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the
Proposed Adoption of Rules
of the State of Minnesota
Relating to Youth Employment
Opportunities

STATEMENT OF COMPLIANCE
WITH RULEMAKING
PROCEDURES

I, Donald E. Notvik, 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 Attorney General have been followed. Any exceptions are noted below.

Dated: May 15, 1986

Donald E. Notvik

DONALD E. NOTVIK
Special Assistant
Attorney General
Atty. Reg. No: 80007

and Opportunity

Joe Samargia, Commissioner
Department of Jobs and Training

DATE: March 17, 1986

Kathryn R. Roberts KRR
Coordinator

PHONE: 296-2227

Proposed Rules for Summer Youth Employment Program

Pursuant to Minnesota Statutes 267.03, Subdivision 2 (9), the Office of Full Productivity and Opportunity has reviewed and approved the rules as proposed for MCAR 3300.0100 to 3300.0601 (Summer Youth Employment Program) that were forwarded to this office on March 7, 1986.

KRR:lo

cc: Darvin

3/19/86: Provided Larry Cheatham with a copy of this memo for his files.

STATE OF MINNESOTA
Office Memorandum

RECEIVED
MAY 15 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

DEPARTMENT: Jobs & Training

TO : J. Michael Miles
Assistant Attorney General
Admin. Div./Attorney General's Office

DATE: May 14, 1986

FROM : Colleen Gunderson
Management Analysis Unit
Administrative and Technical Services

PHONE: 296-3669

SUBJECT : In the Matter of the Proposed Adoption of Rules of the Department of Jobs and Training Governing Youth Employment Opportunity

Pursuant to the Administrative Procedures Act, Minnesota Statutes, section 14.26, the following documents are provided for your review of the rule as proposed for adoption:

1. Notice of Intent to Solicit Outside Opinion and written comments received.
2. Rules as Proposed.
3. Affidavit of mailing notice of proposed adoption of rule (including mailing list certification).
4. Notice of Proposed Adoption of Rule without a Public Hearing (signed by the Commissioner).
5. Statement of Need and Reasonableness.
6. Notice of Proposed Adoption of Rule without a Public Hearing (State Register copy).
7. Rules as adopted (same as proposed; no comments were received). Original and three copies.
8. Findings of Fact and Conclusions and Order adopting. Original and two copies.
9. Approval of the Proposed Rules by the Coordinator of the Office of Full Productivity and Opportunity.
10. Statement of Compliance with Rulemaking Procedures.

Encs.

cc: Joseph Samargia
Donald Buckner
Keith Ford