

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1307 Docket No. 05.0009.0408

DATE RECEIVED 9-3
REVIEW DATE 9-12
DUE DATE 9-16

APPROVED 9/16/86
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 9/4
REVISOR DISAPPROVED
FILED W/SEC. STATE 9/17
RETURNED TO AGENCY 9/17

✓ Rule as adopted (4 copies)

N/A Notice to Solicit Outside Information/Opinion
Date published in State Register
Comments

N/A Petition for Adoption of a Rule

Board's Authorizing Resolution not enclosed

✓ Proposed rule
Revisor's Certificate

✓ Notice of Intent to Adopt Rule (State Register)
129 A 10 subd 3 Statutory Authority
yes Small business statement
no Expenditure of public money statement
no Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 2, 1986 Date (30)/25 days before adoption

✓ Publication in State Register
June 16, 1986 Date (30)/25 days before adoption

✓ ~~Resolution~~ Order Adopting Aug 4, 1986

N/A ~~Findings of Fact, Conclusions & Order Adopting~~
Date

N/A ~~Written requests, submissions or comments~~

✓ Declaration of attorney ~~not enclosed~~
Donald E Notvik Name of SAAG representing agency

N/A ~~Notice of Submission to Attorney General~~

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

✓ Mailing list certificate
- Order for notice of intent to adopt rules without Public Hearing
✓ affidavit of no mailing of notice of submission to the AG

SF-00006-03

file

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

ROGER SORBEL
Legal Technician

TO:

DATE: 9/17/86

ATTN: DONALD NOTVIK
Special Assistant Attorney General

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Adopted Permanent Rules Relating to Centers for Independent Living

The above-referenced rule has been approved as to its legality by the Attorney General on September 16, 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/rmk
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1307

Department of Jobs and Training

Adopted Permanent Rules Relating to Centers for Independent Living

Rules as Adopted

3300.3100 SCOPE AND PURPOSE.

Parts 3300.3100 to 3300.3350 govern the certification of centers for independent living as defined in Minnesota Statutes, section 129A.01. The purpose of a center for independent living is to enable persons with disabilities to live and function more independently in their home, family, and community. A center for independent living accomplishes this purpose by promoting consumer control, self-sufficiency, equal access, and local focus in the programming they provide to persons with disabilities.

3300.3150 DEFINITIONS.

Subpart 1. **Scope.** When used in parts 3300.3100 to 3300.3350, the terms defined in this part have the meanings given them.

Subp. 2. **Center for independent living.** "Center for independent living" means a private nonprofit organization incorporated under Minnesota law and operated for the purpose of providing independent living services to persons with disabilities. The board of directors for the center for independent living is composed of community representatives, 51 percent of which must be individuals who are either severely disabled themselves or spouses or parents of persons with severe disabilities.

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

Subp. 4. **Eligible applicant organization.** "Eligible applicant organization" means any private nonprofit organization that is incorporated or has applied for incorporation under Minnesota Statutes, chapter 317, which meets or intends to meet

the purpose and board member criteria in subpart 2.

Subp. 5. **Independent living.** "Independent living" means the capacity of a person with a disability to manage the person's affairs, participate in day-to-day life in the community, and to fulfill a variety of social roles with as much personal control as possible.

Subp. 6. **Person with a disability.** "Person with a disability" means an individual who has a physical, mental, or psychological impairment or dysfunction that limits independent functioning in the family, community, or employment.

3300.3200 CERTIFICATION REQUIREMENTS.

Subpart 1. **Purpose.** The purpose of certification is to ensure that a center for independent living meets minimum requirements for operation.

Subp. 2. **Center for independent living certificate.** Certification and a valid certificate is required before the commissioner may provide funding for a center for independent living. Requirements for a certificate are the following:

A. The membership of the board of directors of a center for independent living must comply with the requirements of Minnesota Statutes, section 129A.01, paragraph (h).

B. The center for independent living must be incorporated under Minnesota Statutes, chapter 317.

C. The center for independent living must assure that individuals with severe disabilities will not be categorically denied access to full utilization of, or benefit from, any independent living service because of their severe disabilities and will not be discriminated against as provided in the Minnesota Human Rights Act, Minnesota Statutes, chapter 363.

D. The center for independent living must have a risk protection program adequate to preserve assets of the center for independent living and to compensate staff, volunteers, consumers, and the public for reasonable claims for which the center is liable.

E. Fundraising activities undertaken by the center

for independent living must conform to all requirements of state law.

F. The center for independent living must be in compliance with chapter 1340 of the State Building Code which requires buildings to be accessible to persons with disabilities.

G. The center for independent living may provide any or all the independent living services described in Minnesota Statutes, section 129A.10, subdivision 1, but must at a minimum provide:

(1) intake counseling to determine the individual's need for services;

(2) referral and counseling service with respect to attendant care;

(3) counseling and advocacy with respect to legal and economic rights and benefits;

(4) housing and transportation referral and assistance; and

(5) peer counseling.

H. The center for independent living must provide for substantial involvement by consumers in the policy direction, decision-making, service delivery, and management of the center. Substantial involvement must include the following:

(1) periodic meetings, at least once a year, of staff and consumers or their representatives; and

(2) periodic surveys of consumer satisfaction.

3300.3250 CERTIFICATION PROCEDURE.

Subpart 1. **Eligible applicant organization.** An application for certification as a center for independent living may be submitted at times the commissioner specifies by an eligible applicant organization as defined in part 3300.3150, subpart 4.

Subp. 2. **Application forms.** All applications for certification must be made on official application forms available from the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training.

Subp. 3. **Reports, plans, and budgets.** When applying for certification, eligible applicant organizations must submit expenditure reports and proposed plans and budgets as required in Minnesota Statutes, section 129A.10, subdivision 4.

Subp. 4. **Time limitation.** A center for independent living certificate may not be issued for more than three years but a center for independent living may be issued a new certificate if the center complies with the certification requirement of part 3300.3200, subpart 2.

3300.3300 TERMINATION OF CERTIFICATION AND PRELIMINARY NOTICE.

Subpart 1. **Certification termination.** Certification of a center for independent living will be terminated when:

A. a center for independent living is not being administered in accordance with an approved annual plan and budget as required in Minnesota Statutes, section 129A.10, subdivision 4;

B. a center for independent living is not meeting all of the requirements of part 3300.3200; or

C. a center for independent living is not being administered in accordance with parts 3300.3100 to 3300.3350.

Subp. 2. **Preliminary determination.** In situations governed by subpart 1, the commissioner must give written notice at least 45 days before terminating the certification of a center for independent living, except where there is imminent danger to the health or safety of consumers. The preliminary notice must state the grounds for the termination and must allow a reasonable time to remedy the noncompliance. The preliminary notice of termination of certification creates the right of appeal as provided in part 3300.3350.

Subp. 3. **Withdrawal of state funds.** Allocated state funds will be withdrawn from a center for independent living whose certification is terminated.

3300.3350 APPEAL.

Subpart 1. **Scope.** A center for independent living operating under a valid certificate has the right to appeal the

commissioner's termination of its certification under part 3300.3300, subpart 1.

Subp. 2. **Notice of intent to appeal.** The center for independent living may appeal a preliminary determination concerning termination of certification as provided in part 3300.3300, subpart 2. The appeal must be in writing to the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training. The written notice of intent to appeal must be received by the Division of Rehabilitation Services within 30 calendar days from the date that a preliminary notice of termination is sent. If the notice of intent to appeal is not received within the 30-day period, the preliminary determination of the Division of Rehabilitation Services is final. The notice of intent to appeal must state the grounds for the appeal including relevant facts and issues that could be addressed at a contested case hearing.

Subp. 3. **Informal contact.** A representative of the commissioner will contact the appellant and discuss the grounds for the appeal no more than 15 days after the Division of Rehabilitation Services receives a notice of intent to appeal. The contact by the commissioner's representative must be reduced to writing, must contain a summary of the nature and basis of the decision, and must describe the appellant's appeal rights under subpart 4.

Subp. 4. **Contested case appeal.** If an appellant has first informally discussed the appeal as provided in subpart 3 and has not been completely satisfied, the appellant may request in writing a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62. The contested case hearing must be initiated and conducted according to parts 1400.5100 to 1400.8500.

Subp. 5. **Proposal for decision.** When an initial decision is rendered, the administrative law judge will prepare a proposal for decision that will be recommended for the commissioner's adoption.

Subp. 6. **Decision and order.** The commissioner must notify

the appellant of a final decision as provided in Minnesota Statutes, section 14.62.

Subp. 7. **Legal representation.** A party may be represented by legal counsel at any step of the appeals process.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 17 1986
Joan Anderson Growe
Secretary of State

2:13 PM

APPROVED AS TO FORM AND LEGALITY

9/16 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Department of Jobs and Training

Proposed Permanent Rules Relating to Centers for Independent Living

Rules as Proposed (all new material)

3300.3100 SCOPE AND PURPOSE.

Parts 3300.3100 to 3300.3350 govern the certification of centers for independent living as defined in Minnesota Statutes, section 129A.01. The purpose of a center for independent living is to enable persons with disabilities to live and function more independently in their home, family, and community. A center for independent living accomplishes this purpose by promoting consumer control, self-sufficiency, equal access, and local focus in the programming they provide to persons with disabilities.

3300.3150 DEFINITIONS.

Subpart 1. **Scope.** When used in parts 3300.3100 to 3300.3350, the terms defined in this part have the meanings given them.

Subp. 2. **Center for independent living.** "Center for independent living" means a private nonprofit organization incorporated under Minnesota law and operated for the purpose of providing independent living services to persons with disabilities. The board of directors for the center for independent living is composed of community representatives, 51 percent of which must be individuals who are either severely disabled themselves or spouses or parents of persons with severe disabilities.

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

Subp. 4. **Eligible applicant organization.** "Eligible applicant organization" means any private nonprofit organization that is incorporated or has applied for incorporation under Minnesota Statutes, chapter 317, which meets or intends to meet

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the purpose and board member criteria in subpart 2.

Subp. 5. **Independent living.** "Independent living" means the capacity of a person with a disability to manage the person's affairs, participate in day-to-day life in the community, and to fulfill a variety of social roles with as much personal control as possible.

Subp. 6. **Person with a disability.** "Person with a disability" means an individual who has a physical, mental, or psychological impairment or dysfunction that limits independent functioning in the family, community, or employment.

3300.3200 CERTIFICATION REQUIREMENTS.

Subpart 1. **Purpose.** The purpose of certification is to ensure that a center for independent living meets minimum requirements for operation.

Subp. 2. **Center for independent living certificate.** Certification and a valid certificate is required before the commissioner may provide funding for a center for independent living. Requirements for a certificate are the following:

A. The membership of the board of directors of a center for independent living must comply with the requirements of Minnesota Statutes, section 129A.01, paragraph (h).

B. The center for independent living must be incorporated under Minnesota Statutes, chapter 317.

C. The center for independent living must assure that individuals with severe disabilities will not be categorically denied access to full utilization of, or benefit from, any independent living service because of their severe disabilities and will not be discriminated against as provided in the Minnesota Human Rights Act, Minnesota Statutes, chapter 363.

D. The center for independent living must have a risk protection program adequate to preserve assets of the center for independent living and to compensate staff, volunteers, consumers, and the public for reasonable claims for which the center is liable.

E. Fundraising activities undertaken by the center

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for independent living must conform to all requirements of state law.

F. The center for independent living must be in compliance with chapter 1340 of the State Building Code which requires buildings to be accessible to persons with disabilities.

G. The center for independent living may provide any or all the independent living services described in Minnesota Statutes, section 129A.10, subdivision 1, but must at a minimum provide:

(1) intake counseling to determine the individual's need for services;

(2) referral and counseling service with respect to attendant care;

(3) counseling and advocacy with respect to legal and economic rights and benefits;

(4) housing and transportation referral and assistance; and

(5) peer counseling.

H. The center for independent living must provide for substantial involvement by consumers in the policy direction, decision-making, service delivery, and management of the center. Substantial involvement must include the following:

(1) periodic meetings, at least once a year, of staff and consumers or their representatives; and

(2) periodic surveys of consumer satisfaction.

3300.3250 CERTIFICATION PROCEDURE.

Subpart 1. **Eligible applicant organization.** An application for certification as a center for independent living may be submitted at times the commissioner specifies by an eligible applicant organization as defined in part 3300.3150, subpart 4.

Subp. 2. **Application forms.** All applications for certification must be made on official application forms available from the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 3. **Reports, plans, and budgets.** When applying for certification, eligible applicant organizations must submit expenditure reports and proposed plans and budgets as required in Minnesota Statutes, section 129A.10, subdivision 4.

Subp. 4. **Time limitation.** A center for independent living certificate may not be issued for more than three years but a center for independent living may be issued a new certificate if the center complies with the certification requirement of part 3300.3200, subpart 2.

3300.3300 TERMINATION OF CERTIFICATION AND PRELIMINARY NOTICE.

Subpart 1. **Certification termination.** Certification of a center for independent living will be terminated when:

A. a center for independent living is not being administered in accordance with an approved annual plan and budget as required in Minnesota Statutes, section 129A.10, subdivision 4;

B. a center for independent living is not meeting all of the requirements of part 3300.3200; or

C. a center for independent living is not being administered in accordance with parts 3300.3100 to 3300.3350.

Subp. 2. **Preliminary determination.** In situations governed by subpart 1, the commissioner must give written notice at least 45 days before terminating the certification of a center for independent living, except where there is imminent danger to the health or safety of consumers. The preliminary notice must state the grounds for the termination and must allow a reasonable time to remedy the noncompliance. The preliminary notice of termination of certification creates the right of appeal as provided in part 3300.3350.

Subp. 3. **Withdrawal of state funds.** Allocated state funds will be withdrawn from a center for independent living whose certification is terminated.

3300.3350 APPEAL.

Subpart 1. **Scope.** A center for independent living operating under a valid certificate has the right to appeal the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

commissioner's termination of its certification under part 3300.3300, subpart 1.

Subp. 2. **Notice of intent to appeal.** The center for independent living may appeal a preliminary determination concerning termination of certification as provided in part 3300.3300, subpart 2. The appeal must be in writing to the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training. The written notice of intent to appeal must be received by the Division of Rehabilitation Services within 30 calendar days from the date that a preliminary notice of termination is sent. If the notice of intent to appeal is not received within the 30-day period, the preliminary determination of the Division of Rehabilitation Services is final. The notice of intent to appeal must state the grounds for the appeal including relevant facts and issues that could be addressed at a contested case hearing.

Subp. 3. **Informal contact.** A representative of the commissioner will contact the appellant and discuss the grounds for the appeal no more than 15 days after the Division of Rehabilitation Services receives a notice of intent to appeal. The contact by the commissioner's representative must be reduced to writing, must contain a summary of the nature and basis of the decision, and must describe the appellant's appeal rights under subpart 4.

Subp. 4. **Contested case appeal.** If an appellant has first informally discussed the appeal as provided in subpart 3 and has not been completely satisfied, the appellant may request in writing a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62. The contested case hearing must be initiated and conducted according to parts 1400.5100 to 1400.8500.

Subp. 5. **Proposal for decision.** When an initial decision is rendered, the administrative law judge will prepare a proposal for decision that will be recommended for the commissioner's adoption.

Subp. 6. **Decision and order.** The commissioner must notify

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the appellant of a final decision as provided in Minnesota Statutes, section 14.62.

Subp. 7. **Legal representation.** A party may be represented by legal counsel at any step of the appeals process.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Centers for Independent Living

AGENCY: Department of Jobs and Training

MINNESOTA RULES: Chapter 3300

The attached rules are approved for publication
in the State Register

John C. Fuller
Assistant Deputy Revisor

06/20/86

STATE OF MINNESOTA

DEPARTMENT OF JOBS AND TRAINING

IN THE MATTER OF THE PROPOSED RULES OF THE DEPARTMENT OF JOBS AND TRAINING GOVERNING THE VOCATIONAL REHABILITATION PROGRAM RELATING TO THE ESTABLISHMENT OF CENTERS FOR INDEPENDENT LIVING, MINNESOTA RULES, PART 3300.3100 TO 3300.3350.

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

These rules are presented by the Department of Jobs and Training in accordance with the provisions of the Minnesota Administrative Procedures Act (APA), Minnesota Statutes 14.05 and the Rule Hearing Procedure, Minnesota Rules, parts 1400.0300 to 1400.1200. The proposed rules have been developed as required by Minnesota Statutes Section 129A.10, subdivision 3 (1985 Supp.). Section 129A.10 requires the commissioner to establish certification criteria for funding centers for independent living.

DISCUSSION

3300.3100 SCOPE AND PURPOSE.

Minnesota Statute Section 129A.10, subdivision 3 ,requires the Department of Jobs and Training to promulgate rules on the certification of Centers for Independent Living. The purpose of the rules is to certify that a center is eligible to receive state funds. The law requires substantial consumer involvement to assure that the center will "improve opportunities for persons with disabilities to live and function more independently in their home, family and community."

3300.3150 DEFINITIONS.

Subpart 1. Scope. This subpart specifies the applicability of the definitions. Inclusion of definitions is reasonable and necessary to provide shorter forms of reference, to avoid unnecessary repetition of titles and explanations, to minimize ambiguity, and to introduce current and preferred terminology.

Subpart 2. Center for independent living. This definition is necessary to provide consistency in its use and clarity of the

services provided based on the nature of the program. Because of state and federal mandates which govern centers for independent living it is necessary to specify the nature of its charge and scope of services.

Subpart 3. Commissioner. This definition and use of the term "commissioner" are the same as used in other rules of the Department of Jobs and Training and are reasonable.

Subpart 4. Eligible Applicant Organization. This definition provides the structure of the organization and purpose of the services to be provided as well as board composition of applicants for certification as required by law.

Subpart 5. Independent Living. This definition outlines the goal of the services offered by centers and is therefore reasonable to distinguish as a status or condition of living.

Subpart 6. Persons with a Disability. A person with a disability must be distinguished governing the independent living program from persons eligible for other human services and to meet the intent of the federal and state laws.

3300.3200 CERTIFICATION REQUIREMENTS

Subpart 1. Purpose. This subpart indicates to applicant organizations that certain certification requirements as specified in Minnesota Statute Section 129A.10, subdivision 3 must be met before programs are granted funding by the commissioner.

Subpart 2(A). The first requirement incorporates by reference Minnesota Statutes 129A.01, paragraph (h) which states that a center for independent living must establish a governing board. This requirement is necessary since it is statutory.

Subpart 2 (B). This subpart requires a center for independent living to be incorporated under Minnesota Statutes, Chapter 317 to prove its nonprofit status.

Subpart 2 (C). The state and federal mandate to a center for independent living is to serve persons who otherwise may not be eligible for or receive vocational rehabilitation services and who, because of the severity of the disability, may not be served or benefit from services available to others. This requirement assures that those persons most in need of independent living service will not be denied the service based on the nature or severity of the disability.

Subpart 2(D). This subpart requires centers to have a risk protection program and is necessary because it affirms the public policy which encourages businesses to carry certain types of liability insurance or be self insured. The requirement is

reasonable because it assures the continuing programming for disabled persons should the center for independent living experience unforseen losses.

Subpart 2 (E) requires a center that engages in fund raising activities to conform to laws regarding such activities.

Subpart 2 (F) requires centers to comply with Chapter 1340 of the State Building Code which requires buildings to be accessible to persons with disabilities.

Subpart 2 (G) requires that centers provide a core of 5 of the services authorized by Minnesota Statutes, Chapter 129A.10, Subdivision 1. This is reasonable in that a core group of services must be established by all centers to maintain the fundamental nature and purpose of the center and assure that a minimum level of independent living service needs are being met as dictated by the needs in the community.

Subpart 2 (H) provides assurance that the center will meet state and federal mandates to involve consumers in the policy setting, program development and service delivery of a center and provides ways to assure meeting the ongoing and changing needs of the consumer. This is reasonable in that it ensures that centers remain responsive to the consumer and the community.

3300.3250 CERTIFICATION PROCEDURE.

Purpose. This subpart makes it clear that the purpose of certification of centers for independent living is to assure that the program meets minimum requirements of operation so that disabled persons will be served adequately. It is necessary to inform program providers of Department certification procedures so that they can comply with them. It is reasonable for the Department to establish operational requirements which ensure more consistent and efficient program administration.

Subpart 1. Eligible Applicants Organizations provides that the commissioner will designate specific times when applications for state funding may be submitted and specifies the entities that are eligible to apply for funding.

Subpart 2. Application forms specifies that applicants must use forms as provided by the department in the certification process and informs of the availability of Department assistance.

Subpart 3. Reports, plans and budgets requires applicants to submit reports, plans and budgets as required by law and as reasonable to carry out the operation of the program.

Subpart 4. Time Limitation. This subpart notifies centers that the certificate will be issued for a period not to exceed three years. It is necessary to inform centers of this procedure so that they are aware of the need for recertification and take the

necessary steps attendant to this process. Three years is a reasonable period because it is consistent with past Department practices and is also the time period that most national accrediting bodies establish for accreditation of rehabilitation facilities.

3300.3300 TERMINATION OF PROGRAM CERTIFICATION AND PRELIMINARY NOTICE.

This subpart makes clear that program certification is a prerequisite for receipt of state funds. Termination of program certification results in the withdrawal of any allocated funds and creates the right of appeal. It is reasonable that certification should constitute a threshold for receiving state funds and that termination of program certification should permit the withdrawal of such funds. Termination of program certification occurs where the program fails to meet the appropriate legal requirements.

Subpart 1. Termination of Certification is appropriate when it fails to comply with state law and these rules as specified in paragraphs A, B and C.

Subpart 2. Preliminary Determination of a Termination of Certification is provided to take into account situations beyond the control of the center and for which reasonable and timely steps can be taken to remedy the cause of the preliminary determination.

Subpart 3. Withdrawal of State Funds is necessary in instances where a center's certification is terminated. These criteria are reasonable because it is expected that use of state funds will be guided by established criteria.

3300.3350 RIGHT OF APPEAL

This subpart provides that an entity has the right to appeal the commissioner's decision to withdraw funds from any of its centers for independent living. It is necessary to establish appeal rights because Minnesota Statutes 129A.08, Subdivision 2 provides for "reasonable notice and opportunity for hearing" before allocated funds which are not needed for a program may be withdrawn. The Department has determined that the appeal rights should also be provided in other situations when funds are withdrawn from programs. This is reasonable because a tenet of administrative law allows an agency to provide for more due process than is specifically set out in the governing statute.

Subpart 1. Scope. This subpart is necessary to inform centers for independent living of the applicability of the appeals process.

Subpart 2. Notice of Intent to Appeal. This subpart is necessary

in order to inform the Division of Rehabilitation Services that a center intends to appeal the withdrawal of state funds. It is reasonable that the notice be in writing so that a record may be retained. A 30-day period to exercise the right to appeal is reasonable since that is ample time to organize and compile facts and issues relevant to an appeal. A deadline for exercising the right of appeal is necessary so that contested issues may be addressed in a timely manner.

Subpart 3. Informal Contact. The informal mechanism provided in this subpart is reasonable because it is both time-and-cost efficient for the Department and the aggrieved party.

Subpart 4. Contested Case Appeal. This subpart conforms the appeal procedure to the Administrative Procedures Act. A formal hearing is necessary to maximize the due process afforded the appellant. It is reasonable because it provides for an evidentiary hearing before a disinterested party.

Subpart 5. Proposal for Decision. This subpart conforms to the requirements of the Administrative Procedures Act.

Subpart 6. Decision and Order. This subpart specifies that the final decision in an appeal is to be made in writing by the Commissioner as required by the Administrative Procedures Act.

Subpart 7. Legal Representation. This subpart is reasonable because it affords an aggrieved party the benefit of legal representation at every step of the appeals process.

SMALL BUSINESS CONSIDERATIONS

Many of the Centers for Independent Living are small businesses as defined in Minnesota Statutes, Section 14.115, Subdivision 1. Whenever proposed rules may affect small businesses, an agency must consider methods for reducing the impact of the proposed rules on small businesses.

DRS has considered each of the methods listed in Minnesota Statutes, Section 14.115, Subdivision 2. Under the proposed rules:

A. There are no compliance or reporting requirements for small businesses;

B. Nor are there any schedules or deadlines for the requirements in A.;

C. Thus, consolidation or simplification of the requirements of A. does not apply to the proposed rules;

D. There are no required design or operational standards to replace with performance standards for small, businesses; and

E. Small businesses cannot be exempted from any or all requirements of the proposed rules because Minnesota Statutes, Section 129.A.10, subdivision 3 (1985 Supp.), requires center's for independent living to be certified. To exempt centers from

Section 129A.10 because they are small businesses would defeat the statutory mandate to certify centers for funding purposes.

Thus, pursuant to Minnesota Statutes, Section 14.115, Subdivision 3, the Minnesota Department of Jobs and Training finds that it is not feasible to incorporate any of the methods listed above (Items A through E) into the proposed rules.

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Certification of Centers for Independent Living

AFFIDAVIT OF MAILING

Roger Sorbel, Legal Technician, being duly sworn deposes and says:

That on the 2ND day of JUNE, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for the United States mail system 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

Roger Sorbel

Roger Sorbel
Legal Tecnician
Department of Jobs and Training

Subscribed and sworn to before me

this 2nd day of June, 1986

Annette Selbitschka

Notary Public
Ramsey County

ANNETTE SELBITSCHKA
NOTARY PUBLIC
RAMSEY COUNTY, MN
MY COMMISSION EXPIRES
SEPTEMBER 18, 1987

Government Relations Dept.
United Way of Minneap[illegible]s
414 S. 8th Street
Minneapolis, MN 55404

Tri-County Action Programs, Inc.
La[illegible]y Solem
436 19½ Avenue North
St. Cloud, MN 56301

Dennis R. Heitkamp
Executive Director
Clay-Wilkin Opportunity Cncl.Inc.
Box 919
Moorhead, MN 56560

Terry Anderson, Director
Multi-Resource Ctrs., Inc.
1900 Chicago Avenue
Minneapolis, MN 55404

Northwest Community Action, Inc.
Brian G. Walker
P.O. Box 195
Badger, MN 56714

Legal Advocate for the Blind
916 Midwest Plaza West
St. Paul, MN 55104

Western Comm. Action Council
Terry L. Fredin
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Fred Matson
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390 N. Robert

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Dave London
114 South Main Street
P.O. Box 607
Crookston, MN 56716

Alan W. Ingram, Ex. Director
Nat'l Assoc. of Social Workers
Minnesota Chapter
614 Portland
St. Paul, MN 55102

Beverley Driscoll
Assoc. Of MN Counties
555 Park St. Suite 300
St. Paul, MN 55103

Joseph Samargia
Commissioner
5th Floor - 390 N. Robert
INTER-OFFICE

Keith Ford
Office of Full Productivity & Opp.
Suite 200 - Farm Credit Svcs. Bldg.
INTER-OFFICE

F. James Rybak
Dept. of Jobs and Training
690 American Center Building
INTER-OFFICE

John G. Pidgeon
City Manager
2215 W. Old Shakopee Road
Bloomington, MN 55431

William Brown
Appellate
2nd Floor - 390 N. Robert
INTER-OFFICE

Miller A. Friesen, ACSW, Dtr.
Range Mental Health Center
P.O. Box 1188
Virginia, Mn 55792

Paul J. Huber LTD.
1821 University Avenue
Midway Office
St. Paul, MN 55104

B[illegible] Morin
Director, Public Affairs
ARC - Hennepin County
2344 Nicollett Ave. So.
Minneapolis, MN 55404

Karen George
Southern MN Regional Legal Services
Suite 243, Lea Center Bldg.
139 E. William
Albert Lea, MN 56007

Charles Thomas
S. MN Regional Legal Serv.
P.O. Box 3304
Mankato, MN 56001

Ms. Mary Stanton, Staff Assoc.
555 Park Street
Suite 230
St. Paul, MN 55103

Mark Sexton
Tri-County Community Action
404 NE 2nd Avenue
Little Falls, MN 56345

Don Buckner
Director - JS & UI Operations
690 American Ctr. Bldg.
INTER-OFFICE

Deputy Commissioner
Dept. of Veterans Affairs
Veterans Service Building
INTER-OFFICE

Ramsey Action Programs, Inc.
WX Coordinator, Exec. Director
100 Market Square
509 Sibley Street
St. Paul, MN 55101

Brenda Bjorklund
Minnesgasco, Inc.
201 South 7th St.
Minneapolis, MN 55402

Abe Rosenthal, President
MN Transport Services Assoc.
1821 University Avenue (N310)
St. Paul, MN 55104

Alternatives for Autistic
People, Inc.
5624 73rd Avenue North
Brooklyn Park, MN 55429

Hennepin Cty Dept. of Training
& Employment Assistance
Gary Van Buesekom
Hennepin Cty Govt. Center
303 S. 6th St., 1st level S.
Minneapolis, MN 55487

Anoka County CAP, Inc.
8008 N.E. Hwy. 65
Spring Lake Park, MN 55432

West Central MN CAP, Inc.
Jeff Schiffman
P.O. Box 3026
Scofield Memorial Bldg.
Elbow Lake, MN 56531

Phillips Legislative Svcs., Inc.
459 Rice Street
St. Paul, MN 55103

Duluth Comm. Action Prog., Inc.
Robert Miller
1305 London Road
Duluth, MN 55808

SEMAC, Inc.
Gene Flaten
P.O. Box 549
Rushford, MN 55971

Senator Donald Samuelson
121 Capitol
INTER-OFFICE

Ottertail-Wadena CAC, Inc.
Bob Mitchell
P.O. Box "L"
New York Mills, MN 56567

Barbara W. Kaufman
MAVSSA
141S Griggs-Midway Bldg.
1821 University Avenue
St. Paul, MN 55104

John M. Broeker
2850 Metro Dr., Suite 800
Minneapolis, MN 55420

3. **Administrative Provisions**

The Director of the State Planning Agency shall provide staff support as deemed necessary for the Advisory Task Force to fulfill its duties. Other state departments or agencies are directed to provide such assistance to the Advisory Task Force as may be determined by its chair, with the approval of the Director of the State Planning Agency.

Members of the Task Force shall receive no per diem, but may be paid expenses as authorized by the Commissioner's plan adopted according to Minnesota Statutes, 1985 Supplement, Section 43A.18, Subdivision 2.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until June 30, 1987.

IN TESTIMONY WHEREOF I have set my hand this fourteenth day of May, 1986.



PROPOSED RULES

Pursuant to Minn. Stat. of 1984, §§ 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 Jobs and Training

Proposed Permanent Rules Relating to Centers for Independent Living

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Jobs and Training (Department) proposes to adopt the above entitled rules. A copy of the proposed rules is attached to this notice.

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.

The procedures for adoption of non-controversial rules will be used as set forth in sections 14.22 to 14.28. Authority for adoption of these rules is contained in Minnesota Statutes, section 129A.10 subdivision 3 (1985 Supplement).

Persons interested in these rules will have 30 days to submit comments in support or opposition to the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department.

Interested persons should submit comments to:

Roger Sorbel
Department of Jobs and Training
Division of Rehabilitation Services
5th Floor, 390 North Robert Street
St. Paul, Minnesota 55101

Unless the Department receives, within the comment period, written requests for a hearing on the proposed rules from 25 or more persons a public hearing will not be held. In the event that a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.131-14.20 (1984), as amended by Minnesota Laws 1985, First Special Session, Chapter 10, section 38. If a person desires to request a public hearing, the Department requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language and data relied on to support the suggested modifications.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as proposed for adoption or who wish to be advised of the submission of this material to the Attorney General should submit a written request to Mr. Sorbel at the above address.

A Statement of Need and Reasonableness has been prepared and is now available. A copy of this document may be obtained by contacting Mr. Sorbel at the above address.

Pursuant to Minnesota Statutes, section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Persons who wish to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Rules as Proposed (all new material)

3300.3100 SCOPE AND PURPOSE.

Parts 3300.3100 to 3300.3350 govern the certification of centers for independent living as defined in Minnesota Statutes, section 129A.01. The purpose of a center for independent living is to enable persons with disabilities to live and function more independently in their home, family, and community. A center for independent living accomplishes this purpose by promoting consumer control, self-sufficiency, equal access, and local focus in the programming they provide to persons with disabilities.

3300.3150 DEFINITIONS.

Subpart 1. **Scope.** When used in parts 3300.3100 to 3300.3350, the terms defined in this part have the meanings given them.

Subp. 2. **Center for independent living.** "Center for independent living" means a private nonprofit organization incorporated under Minnesota law and operated for the purpose of providing independent living services to persons with disabilities. The board of directors for the center for independent living is composed of community representatives, 51 percent of which must be individuals who are either severely disabled themselves or spouses or parents of persons with severe disabilities.

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

Subp. 4. **Eligible applicant organization.** "Eligible applicant organization" means any private nonprofit organization that is incorporated or has applied for incorporation under Minnesota Statutes, chapter 317, which meets or intends to meet the purpose and board member criteria in subpart 2.

Subp. 5. **Independent living.** "Independent living" means the capacity of a person with a disability to manage the person's affairs, participate in day-to-day life in the community, and to fulfill a variety of social roles with as much personal control as possible.

Subp. 6. **Person with a disability.** "Person with a disability" means an individual who has a physical, mental, or psychological impairment or dysfunction that limits independent functioning in the family, community, or employment.

3300.3200 CERTIFICATION REQUIREMENTS.

Subpart 1. **Purpose.** The purpose of certification is to ensure that a center for independent living meets minimum requirements for operation.

Subp. 2. **Center for independent living certificate.** Certification and a valid certificate is required before the commissioner may provide funding for a center for independent living. Requirements for a certificate are the following:

A. The membership of the board of directors of a center for independent living must comply with the requirements of Minnesota Statutes, section 129A.01, paragraph (h).

B. The center for independent living must be incorporated under Minnesota Statutes, chapter 317.

C. The center for independent living must assure that individuals with severe disabilities will not be categorically denied access to full utilization of, or benefit from, any independent living service because of their severe disabilities and will not be discriminated against as provided in the Minnesota Human Rights Act, Minnesota Statutes, chapter 363.

D. The center for independent living must have a risk protection program adequate to preserve assets of the center for independent living and to compensate staff, volunteers, consumers, and the public for reasonable claims for which the center is liable.

E. Fundraising activities undertaken by the center for independent living must conform to all requirements of state law.

F. The center for independent living must be in compliance with chapter 1340 of the State Building Code which requires buildings to be accessible to persons with disabilities.

G. The center for independent living may provide any or all the independent living services described in Minnesota Statutes, section 129A.10, subdivision 1, but must at a minimum provide:

(1) intake counseling to determine the individual's need for services;

(2) referral and counseling service with respect to attendant care;

(3) counseling and advocacy with respect to legal and economic rights and benefits;

(4) housing and transportation referral and assistance; and

(5) peer counseling.

H. The center for independent living must provide for substantial involvement by consumers in the policy direction, decision-making, service delivery, and management of the center. Substantial involvement must include the following:

(1) periodic meetings, at least once a year, of staff and consumers or their representatives; and

(2) periodic surveys of consumer satisfaction.

3300.3250 CERTIFICATION PROCEDURE.

Subpart 1. **Eligible applicant organization.** An application for certification as a center for independent living may be submitted at times the commissioner specifies by an eligible applicant organization as defined in part 3300.3150, subpart 4.

Subp. 2. **Application forms.** All applications for certification must be made on official application forms available from the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training.

Subp. 3. **Reports, plans, and budgets.** When applying for certification, eligible applicant organizations must submit expenditure reports and proposed plans and budgets as required in Minnesota Statutes, section 129A.10, subdivision 4.

Subp. 4. **Time limitation.** A center for independent living certificate may not be issued for more than three years but a center for independent living may be issued a new certificate if the center complies with the certification requirement of part 3300.3200, subpart 2.

3300.3300 TERMINATION OF CERTIFICATION AND PRELIMINARY NOTICE.

Subpart 1. **Certification termination.** Certification of a center for independent living will be terminated when:

A. a center for independent living is not being administered in accordance with an approved annual plan and budget as required in Minnesota Statutes, section 129A.10, subdivision 4;

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.

B. a center for independent living is not meeting all of the requirements of part 3300.3200; or

C. a center for independent living is not being administered in accordance with parts 3300.3100 to 3300.3350.

Subp. 2. **Preliminary determination.** In situations governed by subpart 1, the commissioner must give written notice at least 45 days before terminating the certification of a center for independent living, except where there is imminent danger to the health or safety of consumers. The preliminary notice must state the grounds for the termination and must allow a reasonable time to remedy the noncompliance. The preliminary notice of termination of certification creates the right of appeal as provided in part 3300.3350.

Subp. 3. **Withdrawal of state funds.** Allocated state funds will be withdrawn from a center for independent living whose certification is terminated.

3300.3350 APPEAL.

Subpart 1. **Scope.** A center for independent living operating under a valid certificate has the right to appeal the commissioner's termination of its certification under part 3300.3300, subpart 1.

Subp. 2. **Notice of intent to appeal.** The center for independent living may appeal a preliminary determination concerning termination of certification as provided in part 3300.3300, subpart 2. The appeal must be in writing to the Division of Rehabilitation Services in the Minnesota Department of Jobs and Training. The written notice of intent to appeal must be received by the Division of Rehabilitation Services within 30 calendar days from the date that a preliminary notice of termination is sent. If the notice of intent to appeal is not received within the 30-day period, the preliminary determination of the Division of Rehabilitation Services is final. The notice of intent to appeal must state the grounds for the appeal including relevant facts and issues that could be addressed at a contested case hearing.

Subp. 3. **Informal contact.** A representative of the commissioner will contact the appellant and discuss the grounds for the appeal no more than 15 days after the Division of Rehabilitation Services receives a notice of intent to appeal. The contact by the commissioner's representative must be reduced to writing, must contain a summary of the nature and basis of the decision, and must describe the appellant's appeal rights under subpart 4.

Subp. 4. **Contested case appeal.** If an appellant has first informally discussed the appeal as provided in subpart 3 and has not been completely satisfied, the appellant may request in writing a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62. The contested case hearing must be initiated and conducted according to parts 1400.5100 to 1400.8500.

Subp. 5. **Proposal for decision.** When an initial decision is rendered, the administrative law judge will prepare a proposal for decision that will be recommended for the commissioner's adoption.

Subp. 6. **Decision and order.** The commissioner must notify the appellant of a final decision as provided in Minnesota Statutes, section 14.62.

Subp. 7. **Legal representation.** A party may be represented by legal counsel at any step of the appeals process.

Department of Public Safety
Office of Public Information

Proposed Rules Governing Film Rental Fees

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.22 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 20 percent of the persons who will be required to pay the fee submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Certification of Centers for Independent Living

ORDER ADOPTING NONCONTROVERSIAL Rule

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 16, 1986 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 June 2, 1986.

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 Certification of Centers for Independent Living are adopted this 4th day of August, 1986, pursuant to the authority vested in me by Minnesota Statutes, section 129A.10, subdivision 3.

STATE OF MINNESOTA

Joseph Samargia

Joseph Samargia
Commissioner
Department of Jobs and Training

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the
Proposed Adoption of Rules
of the State of Minnesota
Relating to Certification
Rules for Centers for
Independent Living

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.

DONALD E. NOTVIK
Special Assistant
Attorney General

AUG 28 3 16 PM '86

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Certification of Centers
for Independent Living

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 the proposed adoption of rules by the Department is accurate and complete as of 10:00 A.M., this 4th day of August, 1986.

Dan W. Simpson

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

STATE OF MINNESOTA

Colleen Gunderson

Colleen S. Gunderson
Rules Coordinator
Management Analysis Unit
DEPARTMENT OF JOBS AND TRAINING

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Certification of Centers for Independent Living

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 2nd day of June, 1986, 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

Joseph Samargia

Joseph Samargia
COMMISSIONER OF
THE DEPARTMENT OF
JOBS AND TRAINING

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Certification of Centers for Independent Living

AFFIDAVIT OF NO MAILING OF NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Roger I. Sorbel, being first duly sworn, deposes and says:

That he did not serve a Notice of Submission to the Attorney General on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the attorney general because he did not receive any requests for such notice.

Roger I. Sorbel

Roger I. Sorbel, Legal Technician

Subscribed and sworn to before me
this 4th day of August, 1986

Notary Public JOANN BENESH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JUNE 8, 1992

STATE OF MINNESOTA
Office Memorandum

DEPARTMENT: Jobs and Training
Rehabilitation Services

DATE: August 8, 1986

TO: Donald Notvik
Special Assistant Attorney General

FROM: Roger Sorbel RDS
Legal Technician

7-3754

SUBJECT: Certification Rules for Centers for Independent Living

I am submitting a Noncontroversial Rule and accompanying documents to you for your review. Please review the Rule. If the Rule is acceptable, complete a Statement Compliance with Rulemaking Procedures and submit the Rule and required documents to the Administration Division Attorney General.

During the 30-day comment period, I did not receive any comments, or requests for Notice of Submission to the Administration Division Attorney General.

Please find enclosed copies of the following documents as required by Minnesota Rules 2000.0400

1. Proposed Rule as published at 10 S.R. 2503 on June 16, 1986
2. Affidavit of Mailing
3. Mailing Certificate
4. Notice of Intent to Adopt Rules Without a Public Hearing
5. Statement of Need and Reasonableness
6. Order for Notice of Intent to Adopt Rules Without a Public Hearing
7. Order Adopting Noncontroversial Rule
8. Affidavit of No Mailing of Notice of Submission to the Attorney General