

State



STATE OF
MINNESOTA

Register

HIGHLIGHTS:

Amendments to Federal OSHA Regulations

—Adopted Rules from the Department of Labor and Industry

Equine Infectious Anemia Tests

—Proposed Rules from the Livestock Sanitary Board

Social Services for Neglected Children

—Proposed Rules from the Department of Public Welfare

Board of Directors Meeting

—Notice from the Minnesota State Retirement System

Code of Ethics for Employees in State Government

—Public Opinion Sought from the Department of Personnel

Railroad Changes in LaCrescent, Minnesota

—Notice of Contested Case Hearing from the Department of
Transportation

EQC Monitor:

Natural Resource Permit Applications for St. Louis, Clay and Lake Counties

Water Control Structures on Big Marine Lake, Big Carnelian Lake and
Little Carnelian Lake

—Notice of Hearing from the Department of Natural Resources

VOLUME 1, NUMBER 43

May 2, 1977

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How to Cite

Cite all material in the *State Register* by Volume number and page number.
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



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THE OFFICE OF THE STATE REGISTER
95 Sherburne, Suite 203
St. Paul, Minnesota 55103
296-8239

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The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for second and additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota.

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Contents

RULES

**Department of Labor and Industry
Occupational Safety and Health Division**
Adopted Rules Governing Inclusion by Reference
of Federal OSHA Regulations 1560

PROPOSED RULES

Livestock Sanitary Board
Proposed Rules Amending LSB 41, Sale of
Livestock at Auction Markets, Consignment,
Community and Other Sales 1562

Department of Public Welfare
Proposed Rules Governing Various Social
Services, Rule Numbers DPW 171, 200, 210,
211, 212, 213, 214, 215, 216, 217 and 218 1563

OFFICIAL NOTICES

Ethical Practices Board
Notice of Meeting and Preliminary Agenda 1579
Notice of Amendment to Rules 1579

Department of Personnel
Notice of Intent to Solicit Outside Information on
Rules Governing a Code of Ethics for
Employees in State Government 1579

Minnesota State Retirement System
Notice of Meeting 1579

Department of Transportation
Notice of Contested Case Hearing on Petition of
the Chicago, Milwaukee, St. Paul and Pacific
Railroad Company for Authority to Discontinue
Service at LaCrescent, Minnesota 1579
Notice of Contested Case Hearing on Petition of
American Crystal Sugar Company of
Moorhead for a Lateral Clearance Variance 1580

EQC MONITOR

Environmental Quality Council
Notice of Negative Declaration for Wood Ridge
Addition No. 2 in Ramsey County 1583
Notice of Negative Declaration for Bass
Creek Estates in Hennepin County 1583
Notice of Negative Declaration for Equadamog
Shores, Balsam Acres in Cass County 1583

Department of Natural Resources
Natural Resource Permit Application for
St. Louis County 1583
Notice of Hearing Concerning Construction of
Water Control Structures on Big Marine Lake,
Big Carnelian Lake and Little Carnelian Lake ... 1584

Pollution Control Agency
Natural Resource Permit Application for
Clay County 1584
Natural Resource Permit Application for
Lake County 1584
Natural Resource Permit Application for
St. Louis County 1585

List of MCAR Rules Affected*

List of rules within the Minnesota Code of Agency Rules affected by documents published in the State Register during the current quarter beginning with Vol. 1, No. 40:

Department of Agriculture
Agr 165, 169 1477
Department of Education
EDU 44 (proposed) 1539
Public Service Commission
PSC 3 1477

Department of Labor and Industry
MOSHC 1 1560
Livestock Sanitary Board
LSB 41 1562

*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MCAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MCAR.

RULES

Department of Labor and Industry Occupational Safety and Health Division

Inclusion by Reference of Federal OSHA Regulations

These rules are printed here in their adopted form without indications of changes from their proposed form. Readers are directed to consult State Register, Volume 1, Number 35, page 1285 for the proposed form of the rules.

Pursuant to Minn. Stat. § 182.655 (1974), notice was duly published on March 7, 1977, specifying the establishment and modifications of certain Occupational Safety and Health Standards. No written comments or requests for hearing on objections have been received concerning the adoption of said Standards.

Therefore, it is ordered that this rule be issued, effective immediately, changing and modifying Minnesota Occupational Safety and Health Codes and Rules by incorporating and adopting by reference, changes, additions, deletions, and corrections made to Title 29 of the Code of Federal Regulations, as follows:

Minnesota Occupational Safety and Health Codes and Rules, MOSHC 1, are hereby changed and modified by incorporating and adopting by reference; changes, additions, deletions and corrections made prior to January 1, 1977 to the following parts of Title 29 of the Code of Federal Regulations:

Part 1910, Occupational Safety and Health Standards as published in Part II, Volume 39, No. 125 of the Federal Register on June 27, 1974; and

Part 1926, Construction Safety and Health Regulations as published in Part II, Volume 39, No. 122 of the Federal Register on June 24, 1974; and

Part 1928, Occupational Safety and Health Standards for Agriculture as published in Part IV, Volume 41, No. 47 of the Federal Register on March 9, 1976.

1. The amendments and revisions made to the Occupational Safety and Health Standards for Agriculture and published as follows:

29 CFR § 1928.57(a)(5), (7), (8)(i), (9), (10), (11)(ii) and (iii), (b)(1)(iii) and (c)(1)(ii) were amended. These amendments made several nonsubstantive editorial changes in the standards for guarding of farm field equipment, farmstead equipment and cotton gins. (Federal Register, Volume 41, No. 206, October 22, 1976, page 46598).

2. A new standard, 29 CFR § 1910.1029 Coke Oven Emissions, specifies a number of provisions to control employee exposure to coke oven emissions. (Federal Register Volume 41, No. 206, pages 46784 through 46790 October 22, 1976).

3. Changes pertaining to carcinogen standards, published in the Federal Register, Volume 41, No. 163, page 35184, on August 20, 1976.

(a) 29 CFR § 1910.1005 -4,4' Methylene bis (2-chloroaniline) entire standard deleted.

(b) Laboratory provisions, paragraph (c)(6), were deleted from the following carcinogen standards:

1910.1003(c)(6) removed	4-Nitrobiphenyl
1910.1004(c)(6) removed	alpha-Naphthylamine
1910.1006(c)(6) removed	Methyl chloromethyl ether
1910.1007(c)(6) removed	3,3'-Dichlorobenzidine (and its salts)
1910.1008(c)(6) removed	bis-Chloromethyl ether
1910.1009(c)(6) removed	beta-Naphthylamine
1910.1010(c)(6) removed	Benzidine
1910.1011(c)(6) removed	4-Aminodiphenyl
1910.1012(c)(6) removed	Ethyleneimine
1910.1013(c)(6) removed	beta-Propiolactone
1910.1014(c)(6) removed	2-Acetylaminofluorene
1910.1015(c)(6) removed	4-Dimethylaminoazobenzene

RULES

1910.1016(c)(6) removed N-Nitrosodimethylamine

4. Changes made in 29 CFR Parts 1910 and 1926 as published in the Federal Register, Volume 41, No. 246, pages 55703 and 55704, on December 21, 1976 to revise

Ground-Fault Circuit Interrupters (GFCI) protection requirements. 29 CFR § 1910.309(c) and 29 CFR § 1926.400(h) are revised to require either the use of ground-fault circuit interrupters or the implementation of an assured equipment grounding conductor program on construction sites.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

Livestock Sanitary Board Amendments to LSB 41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in Conference Room A, Veterans Service Building, 20 West 12th Street or Columbus Avenue, June 2, 1977 commencing at 10:30 A.M., and continuing until all interested or affected persons have had an opportunity to be heard.

Relevant Statements or written material may be submitted for the record at the hearing or to Peter C. Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104 phone (612) 296-8118 before the hearing or within 20 days after the close of the hearing.

Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1976).

The LSB proposes to amend these rules to:

1. Allow cooperative livestock marketing associations selling only livestock owned by association members to hold 6 special sales each year rather than only one each 3 months.

2. Require that horses, with certain exceptions, from other states be tested for EIA (equine infectious anemia) prior to or at the sale.

3. Allows sale of horses from other states to licensed livestock dealers without an EIA test if a certificate of intent to slaughter is signed and the horse paint branded.

4. Provide for disposition of horses reacting to the EIA test conducted at the sale premises.

A free copy of the proposed rule is available and can be obtained from the Minnesota Livestock Sanitary Board, 555 Wabasha, St. Paul, Minnesota 55102. Additional copies will be available at the hearing.

A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will introduce will be filed with the Hearing Examiner at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exemptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155. phone 612-296-5615

J. G. Flint, D.V.M.
Secretary and Executive Officer

Rules as Proposed

LSB 41 Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

This rule, adopted in 1975 and published in Volume 7 of the *Minnesota Code of Agency Rules*, will be amended by a change in section (b)(3)(bb) and addition of section (j) as follows:

b. [(bb)] Not more than one special permit shall be issued to the same person or organization to conduct a sale at any one location in any three-month period [with the exception of regularly scheduled livestock auction markets] **except that cooperative livestock marketing associations selling only livestock owned by association members may hold six sales in any calendar year.**

J. Sale of Horses.

1. **The official veterinarian shall report the consignors' names and addresses, the buyers' names and addresses, description of horses, and the results of the AGID (agar gel immunodiffusion) test for EIA (equine infectious anemia) if a test is required.**

2. **Horses received from out-of-state shall be retained on the sale premises until found negative to the AGID test for EIA performed at a laboratory approved by the United States Department of Agriculture with the exception of:**

a. **Horses entering the sale with a valid health certificate indicating a negative AGID test for EIA within the past six months at an approved laboratory.**

b. **Suckling foals accompanying dams negative to AGID test for EIA.**

PROPOSED RULES

c. Horses sold for slaughter purposes provided:

- (1) The buyer is a licensed livestock dealer.
- (2) The official veterinarian applies a paint brand letter "S" at least six inches high on the hip.
- (3) The buyer completes and signs a declaration of intent to slaughter.

d. Horses sold to be transported immediately to a state which does not require a negative AGID test for EIA and accompanied by a health certificate issued by the official veterinarian for shipment to such state.

3. Reactors to the AGID test for EIA shall be destroyed, consigned for slaughter under permit, or returned to the premises of origin under permit and in compliance with the provisions of the *Code of Federal Regulations* — Part 75 and the rules of the Board.

Department of Public Welfare Proposed Rules Governing Various Social Services, Rule Numbers DPW 171, 200, 210, 211, 212, 213, 214, 215, 216, 217 and 218

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on June 10, 1977, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter C. Erickson, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota, 55104, (612) 296-8118, either before the hearing or within 20 days after the close of the hearing.

The proposed rule D.P.W. 171, Children Under State Guardianship — Dependent/Neglected, establishes standards to be followed by the County Welfare Boards and Human Service Boards in discharging the Commissioner's responsibility for children under state guardianship as dependent/neglected.

The rules listed below would establish standards for the administration and delivery of the following services by County Welfare Boards and Human Service Boards:

Rule 200 — Adoption

Rule 210 — Counseling Services for Families and Individuals

Rule 211 — Educational Assistance

Rule 212 — Housing Services

Rule 213 — Information and Referral Services

Rule 214 — Legal Services

Rule 215 — Money Management Services

Rule 216 — Residential Treatment Service

Rule 217 — Social and Recreational Services

Rule 218 — Transportation Services

Copies of the proposed rules are now available and one free copy may be obtained by writing Ruth Yaeger, Department of Public Welfare, Social Services Division, Fourth Floor, Centennial Office Building, St. Paul, Minnesota, 55155. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 393.07. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who

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PROPOSED RULES

spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Vera J. Likins
Commissioner

DPW 171 Children under state guardianship — dependent/neglected.

A. Introduction.

1. This rule identifies and governs the administration of local social service agency responsibilities for children under state guardianship as dependent or neglected pursuant to Minn. Stat. § 260.11 et seq., and the delegation to local social service agencies of the authority to grant consents.

2. The purpose of state guardianship is to carry out the responsibility to act and care for a child committed to the guardianship of the Commissioner of Public Welfare as dependent or neglected.

B. Definitions.

1. Local social service agency. Local agency under the authority of the County Welfare Board or Human Service Board responsible for social services.

C. General responsibilities.

1. The local social service agency having financial responsibility shall provide financial assistance and assure provision of social services, including protection, planning and decision-making either directly or indirectly through other agencies.

2. The local social service agency having financial responsibility shall notify the Commissioner of Public Welfare within 30 days after commitment of a child to state guardianship.

3. The local social service agency having financial responsibility shall prepare and carry out a plan for the care and supervision of the child through its own agency or an agency that agrees to supervise the child.

a. The client social service plan (see DPW Rule 160) shall be developed with the child and reviewed with the child at least annually.

b. The plan shall meet the emotional, physical, educational, vocational and spiritual needs of the child, and preserve, where feasible, the racial and familial identity of the child.

c. The plan shall establish a permanent family relationship for the child through the selection of a family committed to providing a home until the child reaches majority.

d. The plan permitting a child to assume responsibility to meet his own needs without agency guidance shall not preclude agency responsibility to be aware of the child's needs and provide for them if necessary.

e. The goals, plans and objectives for children under the supervision of private agencies shall be made only with the agreement of the local social service agency having financial responsibility.

4. When a child moves from the county of the local social service agency having financial responsibility, the local social service agency of the county where the child will reside shall be notified in writing with a request to supervise the child. The supervising local social service agency shall provide services, and issue consents on behalf of the child and provide reports requested by the local social service agency having financial responsibility.

5. The local social service agency having financial responsibility shall notify in writing, with a request to supervise, each succeeding local social service agency when the child moves from one geographical area of supervision to another.

6. The local social service agency having financial responsibility shall assure the appointment of a guardian ad litem in the appropriate court to represent the child under state guardianship:

a. When the child has a legal claim against another party;

b. When the child has an interest in an existing legal action;

c. When an action has been instituted against the child by another;

and in all other instances when the best interest of the child requires legal counsel.

D. Consents.

1. The following consents are delegated to local social service agencies:

PROPOSED RULES

- a. Autopsy.
 - b. Baptism.
 - c. Change of name.
 - d. Publicity about the child.
 - e. Driver's license.
 - f. Enlistment in the armed services, peace corps or job corps.
 - g. Giving the body or parts of the body to science after death.
 - h. Admission to a state hospital or other psychiatric treatment facility to the extent permitted under law.
 - i. Marriage.
 - j. Medical treatment.
 - k. Psychiatric treatment.
 - l. Surgical treatment.
 - m. Abortion.
- (1) To extent required by law, the local social service agency may not withhold consent.
- n. Tuition waiver.
 - o. Permanent placement agreement.
 - p. Transfer of guardianship.

2. All consents not specifically delegated to local social service agencies may be issued only by the Commissioner of Public Welfare. The consents not specifically delegated include:

- a. Adoption.
- b. Exportation (out-of-state) for foster care or adoption.
- c. Leaving the state or country for more than 90 days.

d. Giving a part of the body for therapeutic purposes for another person while the child is living.

e. Transfer from one state hospital to another state hospital.

f. Sterilization.

g. Separation of siblings after date of appointment of Commissioner of Public Welfare as guardian.

E. Disposition of the social welfare fund.

1. The local social service agency having financial responsibility may apply for and receive survivor benefits for an eligible child under state guardianship. The benefits may be applied to the maintenance and support of the child, and any excess amounts held in a social welfare fund, or the total benefits may be accumulated in the social welfare fund.

a. Upon reaching age 18, the accumulated balance in the social welfare fund is to be paid directly, at that time, to the person for whom the survivor benefits were received.

F. State guardianship benefits up to age 21.

1. An individual who was under state guardianship at age 18 is eligible for guardianship benefits up to age 21 at the request of the individual.

DPW 200 Adoption.

A. Introduction.

1. Goal of the Minnesota adoption program. To ensure for each child, who is free to be legally adopted in the state, a suitable adoptive home and agency services supportive of his integration into the new family.

2. Definitions.

a. Adoptive home. A home approved by an authorized child-placing agency for the purpose of placing a child for adoption.

b. Authorized child-placing agency. The local social service agency or any agency licensed to place children by the Commissioner or by a comparable authority in the state or country in which the agency exists.

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PROPOSED RULES

- c. **Child.** An individual under 18 years of age.
 - d. **Foster family home.** A family home licensed to provide 24-hour-a-day care to children who are unrelated to the family.
 - e. **Genetic parent.** An individual who is referred to as the child's natural parent, who is named in the child's original birth certificate as a parent, whose claim to genetic parenthood is unchallenged, or whose genetic parenthood is established by a court of competent jurisdiction.
 - f. **Independent placement.** A proposed or actual nonagency placement of a child by a natural parent or unlicensed third party with persons not related to the child within the third degree.
 - g. **Infant.** A child under the age of fifteen months.
 - h. **Licensed child-placing agency.** An agency authorized by the Commissioner to place children for foster care or adoption.
 - i. **Local social service agency.** The local agency under the authority of the county welfare board or human service board responsible for arranging and providing social services to individuals.
 - j. **Post-placement services.** Social services provided to the child and the adoptive parents from the time of placement until legal adoption.
 - k. **Post-adoption services.** Social services provided after legal adoption to the adoptive parents, genetic parents or adopted individuals.
 - l. **Relative.** An individual who is related to a child within the third degree according to the Civil Table of Consanguinity by blood, marriage or adoption as a parent, stepparent, brother, sister, grandparent, great grandparent, aunt, uncle, niece or nephew.
 - m. **State adoption exchange.** The central adoptive home and child registration service operated by the Minnesota Department of Public Welfare's adoption unit for use by authorized child-placing agencies.
 - n. **State agency.** The Commissioner of Public Welfare or the Minnesota Department of Public Welfare.
 - o. **Subsidized adoption.** An adoptive placement in which a contract provides that financial reimbursements will be made to the adoptive parents for a child who has special needs.
 - p. **Suitability study.** The pre-adoptive counseling and subsequent evaluation made by the authorized child-placing agency to determine whether or not the proposed adoptive home can adequately parent and meet the needs of a particular child.
- B. Legally freeing the child for adoption.**
- 1. The child shall be legally freed for adoption by either a termination of parental rights pursuant to the Juvenile Court Act, or by a voluntary surrender to the Commissioner or to a licensed child-placing agency pursuant to statute.
 - a. Before a valid agency adoptive placement may occur, court termination of the parent's rights or a voluntary relinquishment to a child-placing agency must be obtained from any individual recognized by state law as having parental rights.
 - 2. All written consents to adoption, executed in a manner prescribed by law, shall be filed with the court prior to the hearing on the adoption petition.
 - 3. All surrenders and consents to adoption (except those given by the Commissioner, his agent or a licensed child-placing agency) shall be executed before two competent witnesses and an agency representative, and shall be filed in court prior to the date of the hearing. Consents obtained in another state may be executed according to either Minnesota law or applicable laws of the other state.
 - a. Both the consentor's and the agency representative's signature must each be duly notarized.
 - b. The two witnesses shall be 18 years of age or older and of sound mind, and neither shall be the subscribing notary public.
 - c. The agency representative shall be a person qualified to counsel the consenting party on adoption matters.
 - 4. Affidavits submitted by individuals who allege or deny parenthood which contain a consent to adoption must be executed according to the requirements set forth in section three, supra.
- C. Services for children freed for adoption.**
- 1. **State adoption exchange.** To ensure each child's placement in an adoptive home preferably away from his area of prior residence, the State Adoption Exchange shall be used by all local social service agencies in accordance with prevailing procedures established by the Commissioner. This provision shall not apply to

PROPOSED RULES

Hennepin, Ramsey or St. Louis Counties, whose use of the Exchange is optional.

a. The local social service agency shall, without undue delay, seek an adoptive home which will meet the child's special needs. Special needs include sibling ties, racial or religious heritages, physical or educational needs.

b. The local social service agency shall make reasonable efforts to provide for and preserve the child's heritage by placing the child:

(1) In an adoptive home of similar background; or

(2) In an adoptive home which is knowledgeable and appreciative of the child's heritage.

2. The child's foster home. The local social service agency may consider the foster home in which the child is currently living as a potential adoptive resource for the child.

a. In such cases, at least one of the following criteria shall apply:

(1) The child has special needs (physical, mental or emotional) which the foster family will be able to adequately meet.

(2) The child is older than an infant, has lived at least twelve consecutive months in the foster home, and is an integrated member of the foster family.

(3) The foster family will be able to accept the child and his background and help the child understand his adoption.

(4) The foster family is either the best adoptive resource for the child or is at least comparable to available resources.

b. Except in Hennepin, Ramsey and St. Louis Counties, a joint decision between the state agency's adoption unit and the local social service agency as to whether the foster home would be a suitable adoptive home for the child shall be made. The decision shall be based upon:

(1) The local social service agency's written

statement and recommendation to the state agency identifying applicable criteria; and

(2) The state agency's written response either approving or disapproving the recommendation.

c. Where a licensed child-placing agency, which is supervising a child under state guardianship, wishes to consider the foster home as the adoptive resource for the child, it shall obtain approval from the local social service agency which has financial responsibility.

3. Child placement. The following policies shall govern the local social service agency's child-placing activities:

a. Preplacement activities:

(1) The social worker assigned to the adoptive home shall, prior to the child being placed in the adoptive home, visit the child in his foster home. This preplacement visit may only be waived if the child is under six months of age and is without special needs.

(2) The child's social worker shall provide the adoptive parents with a written genetic and medical history of the child in which all identifying information on the child's relatives has been omitted. The history is to be written in a manner which is understandable and meaningful to the adoptive family.

(3) An adoptive family shall spend at least two days in the child's community becoming acquainted with the child prior to the transfer of physical custody from the agency to them. This provision may be waived, in the discretion of the agency, where extraordinary circumstances dictate prompt placement.

4. Subsidized adoptions. Subsidized adoption is available through the local social service agency for a child under state guardianship who is not readily adoptable because of special needs (due to age, race, physical, mental, or emotional conditions), his membership in a sibling group, or whose prospective family is unable to adopt him due to financial limitations.

a. The amount of the maintenance subsidy paid by the local social service agency shall not exceed the county welfare or human service board's schedule of regular or special rate payments for a child in foster care.

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PROPOSED RULES

b. The amount of a medical subsidy shall include the estimated cost for medical care, treatment and/or therapy.

c. A subsidized adoption contract shall be reduced to writing on the local social service agency's official stationery, signed by all relevant parties and approved by the Commissioner prior to legal adoption.

(1) Once fully executed and approved, all parties shall be given copies of the contract.

(2) A copy of the contract is to be filed with the proper court prior to the time the adoption matter is heard.

(3) The contract shall remain in effect even though the family moves out of the State of Minnesota.

(4) The contract shall be reviewed annually by the subsidizing county welfare or human service board to determine whether significant changes have occurred which require amendment of the contract.

(5) The adoptive parents have the right to appeal to the Commissioner pursuant to Minn. Stat. ch. 15, when the county welfare or human service board denies, discontinues or modifies the contract.

d. The local social service agency is entitled to seek reimbursement of its subsidy expense from the State's Child Welfare Fund up to the legislatively authorized percentage.

e. The following procedures shall be implemented when initiating an adoption subsidy:

(1) When considering the child's need for subsidy:

(a) Review the child's eligibility for alternative financial and/or medical resources;

(b) Process through the State Adoption Exchange for a review of suitable homes; and

(c) Utilize the public media to recruit adoptive resources.

(2) When attempting to establish the amount of the subsidy:

(a) Determine the amount of the child's financial and medical benefits, if any;

(b) Determine the family's financial and

medical resources for meeting the child's special needs; and

(c) Obtain preliminary approval from the county welfare or human service board for a medical and/or maintenance subsidy.

(3) Each subsidized adoption contract shall include:

(a) A statement of the purpose of the agreement: maintenance, medical and/or special needs of the child;

(b) The arrangements for payment and receipt of the subsidy.

5. Post-placement services. The local social service agency which supervises the child in his adoptive placement is to provide post-placement services.

a. The local social service agency placing the child shall be responsible for arranging and obtaining written placement and post-placement notes from the agency supervising the adoptive placement.

6. Termination of adoptive placement.

a. The local social service or licensed child-placing agency supervising the child shall notify the state agency's adoption unit within five (5) working days when the child's adoptive placement is terminated, when one of the following circumstances arise:

(1) The child is removed from the adoptive home;

(2) The child dies; or

(3) The adoptive placement has continued for two (2) years without the formalization of the adoption;

(4) Adoption is no longer the agency's permanent plan for the child.

b. Termination of the adoptive placement by a local social service agency may be made only upon a specific finding of good cause by responsible agency personnel. Good cause exists when the placement is shown to be detrimental to the physical, mental or emotional well-being of the child or the adoptive parents. Prior to seeking the removal of the child from the home, the agency shall:

(1) Inform the adoptive parents in writing of the reasons for removal.

PROPOSED RULES

(2) In an emergency situation involving danger to the child's health or well-being, request the assistance of the appropriate law enforcement authorities in the immediate removal of the child from the home.

D. Services to children in independent placements.

1. When the local social service agency learns that a parent seeking to place the child desires to place the child with an identified family, the local social service agency shall provide services in evaluating this plan, unless:

a. The prospective parent is related to the child; or

b. The natural parent is receiving services with a licensed child-placing agency.

2. When the local social service agency learns that a court of competent jurisdiction has waived the agency placement requirement, whether or not the child is already in the home:

a. The local social service agency shall pursue licensing that home for foster care; and

b. The prospective parents shall notify the Commissioner of the child's placement within thirty (30) days of that placement unless the Commissioner was already involved in the proposed placement.

3. When the local social service agency learns that the natural parent and/or prospective parent desires to place the child through the assistance of an unlicensed intermediary, the local social service agency shall take necessary steps, including legal actions, if necessary, to prohibit such a placement from occurring.

4. When the local social service agency learns that the child's parent, legal guardian, prospective parents, or the unlicensed intermediary desire to transport the child into or out of Minnesota for placement, the local social service agency shall advise the party or parties that such transportation requires the prior approval and consent of the Commissioner.

a. The Commissioner shall not give consent to or approval of importation or exportation of the child when a proposed placement is being arranged by an unlicensed intermediary even though a court of competent jurisdiction may waive the agency placement.

b. Applications for the importation or exportation of a child must be made by the natural parent or legal guardian according to the statutory provisions of both the sending and the receiving states.

5. When the local social service agency learns that a child is residing in a nonrelative home, it shall carry out the duties of the Commissioner and provide all appropriate child protection services prescribed in the Public Welfare Licensing Act, child placing statutes, and the Juvenile Court Act.

a. Local social service agency actions may include, but are not limited to:

(1) Licensing current home or placing the child into a licensed foster home;

(2) Obtaining temporary legal custody;

(3) Providing services to natural parents in making appropriate permanent plans for the child;

(4) Returning the child to a responsible agency in the state of origin when child was imported into Minnesota in violation of statutes.

b. In addition, the local social service agency shall, within thirty (30) days, submit to the state agency a full written report of its investigation of the proposed or actual placement. The report shall include:

(1) Names and addresses of natural parents, child, and intended home;

(2) The names, addresses, dates and activity on all individuals involved in the independent placement plan;

(3) The circumstances surrounding the placement plan;

(4) Any promise or actual payments of money, and amounts of such payments.

c. The local social service agency shall, in writing, request the county attorney's opinion on taking legal action against the individuals involved in violations of child placement statutes.

d. The state agency's adoption unit shall recom-

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PROPOSED RULES

mend to the local social service agency any additional action required for the protection of the child.

E. Services to families applying for adoption.

1. Each local social service agency shall establish an intake policy which provides for:

a. Performance of a suitability study upon the receipt of a properly filed adoption petition;

b. Screening of applications received from potential adoptive parents for children under state guardianship and other adoptable children who have special needs;

c. Supervision of adoptive families moving into Minnesota when so requested by the prior state of residence through the state agency's adoption unit; and

d. Performance of suitability studies on prospective families when requested by the state agency's adoption unit for out-of-state adoption agencies.

2. Local social service agencies, at the minimum, shall consider the following basic standards when determining the suitability of prospective adoptive homes:

a. The applicant must be primarily motivated to meet the child's needs, emotionally mature with healthy interpersonal relationships, in good physical and mental health, and able to adequately support and parent a child in an emotionally secure environment.

b. The applicant must have the capacity to accept and incorporate into his family a child born to other parents and to assist the child in understanding his genetic background and adoption.

3. The local social service agency is responsible for determining the suitability of adoptive parents.

a. Prospective adoptive homes which the local social service agency certifies as suitable for placement of a child shall be registered on the State Adoption Exchange. (This requirement is optional for Hennepin, Ramsey and St. Louis Social Service Agencies.)

b. Prospective adoptive homes deemed unsuitable by the local agency shall be informed in writing of any such decision. Notification shall be sent after the agency has counseled with the family on the relevant facts upon which the decision was based.

(1) Prospective adoptive homes which the local agency determines are not suitable for an adoptive placement may be further reviewed by that agency, the

county welfare or human service board, and/or the state agency's adoption unit upon the written request of the applicant. Such review shall be limited to those factors on which the local agency based its decision.

(2) Grievances arising out of adverse suitability studies are not subject to further administrative review.

F. Interstate and international adoptive placements.

1. No child shall be brought into or sent out of the State of Minnesota for adoptive placement into a non-relative's home unless one of the following conditions is met:

a. The Commissioner, as state administrator of the Interstate Compact on the Placement of Children, issues written approval for the importation or exportation pursuant to the requirements of that Compact; or

b. The Commissioner has, in non-Compact situations, issued a written consent to importation or exportation of the child, pursuant to applicable state law.

2. The Commissioner shall not issue consent or approval for the movement of a child across state lines where the proposed placement plan is made by an unlicensed third party.

3. The Commissioner, upon receipt of all required documentation, shall issue consent or approval for importation when:

a. The foreign country allows the child to be exported for the purpose of adoption in the United States; or

b. An authorized child-placing agency in the sending state has custody of the child and requests the importation into Minnesota; or

c. A family plans to move to Minnesota and has a child placed with them according to the laws of the other state or country.

4. The documents required for the Commissioner's consent and approval are:

a. An authorized child-placing agency's written confirmation that the family is approved for adoptive placement;

b. A document which identifies the child, his birth date, birthplace, and his parentage; and

PROPOSED RULES

c. Legal documents which demonstrate that the child has been properly released for adoption.

5. Local social service agencies (other than Hennepin, Ramsey and St. Louis Counties) shall route correspondence directed to out of state agencies through the state agency's adoption unit.

G. Legalization of the adoptive placement.

1. The Commissioner or authorized child-placing agency shall initiate the process of legalizing adoptive placements of agency-placed children by sending the petitioner, or his attorney, such information as is needed for completion of the adoption petition.

2. When an adoption petition, which fails to meet the filing requirements of Minn. Stat. § 259.22, subd. 2 and 3, is nevertheless filed in a court of competent jurisdiction, the Commissioner shall recommend to the court dismissal of that petition.

3. The final report and recommendation on a petition under investigation by the Commissioner or authorized child-placing agency shall be made to the court within the ninety (90) day time period.

a. The Commissioner or authorized child-placing agency shall request a continuance of the court when the investigation cannot be completed in the ninety (90) day time period.

b. A copy of all requests for continuances shall be filed with the state agency's adoption unit, the servicing agency, and the petitioner's attorney.

H. Post adoption services.

1. Post adoption services shall be provided to adoptive families, adopted adults, and genetic parents at their request in a manner which strengthens the adoption contract and which is within the parameters of applicable state law and federal regulations on confidentiality and privacy of child welfare and adoption records.

2. General background information with the deletion of all identifying information such as names, specific dates, addresses and locations, shall be prepared to aid the adopted adult in understanding his genetic background and adoption.

3. Local social service agencies shall provide liaison and skilled counseling services through appropriately trained social workers to the adoptive parents, adopted adult, genetic parents, and/or siblings where there exists a mutual desire to arrange contact and there exist no known factors prohibiting such contact.

4. Local social service agencies shall maintain a record of all such services provided in each individual's adoption record.

I. Maintenance of adoption records.

1. Content. Each child's adoption record shall contain copies of all relevant legal documents, responsibly collected genetic, medical and social history, the child's placement record, copies of all pertinent agreements or contracts, copies of all reports and recommendations to the court, and copies of all pertinent correspondence.

2. Use. Each adoption record shall constitute the permanent record upon which all court action is based, agency services are administrated and the adoptive family unit is identified and established.

3. Retention. Adoption records, as described in I. 1., shall be retained on a permanent basis and shall be kept in locked vaults, locked storage cabinets or under a protected records system which guarantees confidentiality and ensures lasting preservation.

DPW 210 Counseling services for families and individuals.

A. Introduction.

1. This rule governs the provision of counseling services for families and individuals by local social service agencies.

2. Definitions.

a. Local social service agency. Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. Counseling services for families and individuals. The utilization of a professional helping relationship to enable individuals and families to deal with and to resolve whatever intra or interpersonal relationship problems or stress is encountered by them.

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PROPOSED RULES

B. Standards of service.

1. The local social service agency electing to offer counseling services for individuals and families shall indicate in its annual social service plan the components of the service the agency intends to provide.

2. The local social service agency, in the delivery of this service, may offer any one or combination of the following components:

a. Assistance to an individual in resolving problems in relationship with others or with problems in individual adjustment.

b. Assistance to families in resolving marriage problems.

c. Assistance to families in resolving family problems.

d. Assistance to unmarried parents in resolving problems related to an unwanted pregnancy or in planning for the care of the child.

e. Family life educational programs.

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of counseling services for families and individuals as are consistent with state and federal laws.

4. The local social service agency upon referral from a family or domestic relations court shall:

a. Provide premarriage counseling to individuals and prepare an evaluation for the court.

b. Provide counseling to parties in a divorce action.

c. Conduct court-ordered custody studies.

DPW 211 Educational assistance.

A. Introduction.

1. This rule governs the provision of educational assistance by local social service agencies.

2. Definitions.

a. Local social service agency. Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. Educational assistance. Educational assistance are those services which are designed to arrange and provide education and training, not directly related to employment, most appropriate to the individual's abilities — including special educational assistance to the blind, deaf and other disability groups and individuals with school adjustment problems.

B. Standards of service.

1. The local social service agency electing to offer educational assistance shall indicate in its annual social service plan the components of the service the agency intends to provide.

2. The local social service agency, in the delivery of this service, may offer any one or combination of the following components:

a. Social service in a school setting.

b. Counseling to parents and children to facilitate school adjustment.

c. Assisting mentally ill/behaviorally disabled persons to obtain educational training opportunities.

d. Assisting physically handicapped to obtain appropriate educational and training opportunities.

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of educational assistance services as are consistent with state and federal laws.

DPW 212 Housing services.

A. Introduction.

1. This rule governs the provision of housing services by local social service agencies.

2. Definitions.

a. Local social service agency. Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. Housing service. Housing services are those services which are designed to help individuals obtain, maintain and improve housing and/or to modify existing housing.

B. Standards of service.

PROPOSED RULES

1. The local social service agency electing to offer housing services shall indicate in its annual social service plan the components of the service the agency intends to provide.

2. In the delivery of this service, the local social service agency may offer any one or combination of the following components:

a. Assisting individuals in finding rental or purchased housing.

b. Information on how to obtain technical assistance to make housing improvements.

c. Education concerning home purchase, rental, repairs, remodeling.

d. Assistance in resolving tenant-landlord conflict.

e. Assistance in maintaining or enforcing, or improving housing codes.

f. Finding emergency shelter in crisis situations.

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of housing services as are consistent with state and federal laws.

DPW 213 Information and referral services.

A. Introduction.

1. This rule governs the provision of information and referral services by local social service agencies.

2. The purpose of this service is to provide accurate and up-to-date information about social and human services to individuals seeking such information, and to facilitate access to these services by individuals through a referral procedure.

3. Definitions.

a. Information and referral. The provision of information to individuals seeking knowledge of social and human services, and the assistance to individuals in making contact with a resource that can respond to their need or problem.

b. Local social service agency. Local agency under the authority of the county welfare board or human service board which is responsible for social services.

c. Resource file. Compilation of information that identifies the opportunities, resources and services in a community, a region, or a state and the agencies and organizations through which they are available to a total consumer population.

d. Information giving. Provision of information about services and programs that may include a brief assessment of the need or problem and some effort to obtain sufficient background material about the inquirer to determine his/her potential eligibility for a specific service or agency.

e. Referral. The identification for a client of an agency or organization able and willing to provide the service needed and aiding the person in making contact with that agency or organization through such procedures as a written summary of the problem or request, telephone or personal contact on behalf of the client.

f. Follow up. Process of making contact with either the inquirer or the agency to which (s)he was referred to determine what was the outcome of the referral.

g. Escort. Provision of a person to assist inquirer in gaining access to the service.

h. Outreach. Activity in which an active effort is made to reach out to individuals to help them make use of existing services and agencies.

i. Intake. Process providing help to clients in clarifying need, considering alternative services appropriate to need, defining goals client desires to achieve, and arrive at an understanding in regard to utilization of services or assistance.

B. Local social service agency standards of service.

1. Information and referral may be provided as a separate and discrete service or as a function of the intake service of the agency.

2. The local social service agency planning to offer information and referral services shall indicate in its annual plan whether information and referral is pro-

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PROPOSED RULES

vided as a separate and discrete service or as a function of the intake service of the agency.

3. When information and referral is offered as a separate and discrete service, in addition to the standards set forth in Sections B.4. through B.8. the agency shall:

a. Maintain a separate telephone listing for information and referral services.

b. Make efforts to publicize through media and other forms of public information such services as a separate agency function.

c. Have staff with identifiable tasks relating to information and referral.

4. Information and referral service shall include the maintenance of a comprehensive resource file. The resource file shall be updated and revised at least semi-annually.

5. Information and referral service shall include the offering of the following services:

a. Information giving.

b. Referral.

c. Follow up.

6. Information and referral service may include provision of the following supplementary services:

a. Escort to referral agency.

b. Outreach services.

7. The information and referral service shall include the development and maintenance of a system for recording data that shall:

a. Record the nature of calls received and of the agencies and organizations to which they are directed or referred.

b. Indicate what follow up activities were undertaken.

c. Maintain records of services which were needed but were not available.

8. The information and referral service shall include the maintenance of records and reports in such a manner that the identity of persons using the service are

not revealed or accessible to anyone other than the staff members undertaking to assist them.

9. The agency may elect to offer data gathered in the delivery of information and referral services to appropriate community and state planning agencies.

DPW 214 Legal Services.

A. Introduction.

1. This rule governs the provision of legal service by local social service agencies.

2. Definitions.

a. Local social service agency: Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. Legal services: Legal services are those services which are designed to arrange and provide for assistance in resolving civil legal matters and the protection of legal rights.

B. Standards of service.

1. The local social service agency electing to offer legal services shall indicate in its annual social service plan the components of the service the agency intends to offer.

2. The local social service agency, in the delivery of this service, may make available legal counsel for the following kinds of legal problems:

a. Divorce proceedings.

b. Custody hearings.

c. Tenant-landlord disputes.

d. Property purchase — sale.

e. Contract problems.

f. Appeals on behalf of clients challenging the actions or policies of federal, state or local public welfare agencies.

g. Consumer problems.

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of legal services as are consistent with state and federal laws.

PROPOSED RULES

DPW 215 Money management services.

A. Introduction.

1. This rule governs the provision of money management services by local social service agencies.

2. The purpose of this service is to assist eligible individuals in the management of their income so that they are able to obtain a stable level of economic functioning within the limits of their present financial resources.

3. Definitions.

a. **Local social service agency.** Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. **Money management services.** Money management services are those services that arrange and provide assistance in developing effective personal budgets and managing indebtedness.

c. **Consumer education.** Consumer education is the offering of, on an individual or group basis, education in management of a household budget, food purchasing and preparation, credit buying and other consumer related concerns.

d. **Financial counseling.** Financial counseling is a process whereby the client is assisted in developing a workable budget and is helped to change poor money management habits.

e. **Debt adjustment.** Debt adjustment is a service whereby the agency, with permission of the client, receives a portion or entire amount of his/her income and pays creditors an agreed upon pro-rated amount each month from the income received.

f. **Protective payment.** Protective payment is a procedure whereby a money payment is not given directly to the client, but rather, to an individual designated by the agency to assume responsibility for the client's expenditures.

g. **Vendor payment.** Vendor payment is a procedure limited to public assistance recipients whereby a designated portion of the AFDC payment is made di-

rectly by the agency to a provider of goods or services.

B. Standards of service.

1. The local social service agency electing to offer money management services shall indicate in its annual social service plan the component of the service the agency intends to provide.

2. In the delivery of this service, the local social service agency shall offer to potential clients any one or combination of the following components:

- a. Consumer education.
- b. Financial counseling.
- c. Debt adjustment service.

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of money management services as are consistent with state and federal laws.

C. Money management service in the use of protective and vendor payments.

1. Upon referral from the Income Maintenance Division of the local welfare agency, the local social service agency shall determine the need for a protective or vendor payment arrangement for public welfare clients.

2. The local social service agency shall:

- a. Make an assessment of the problem;
- b. Offer money management services to resolve the problem;
- c. Determine if protective or vendor payments are needed.

3. Every effort shall be made to resolve money management problems through provision of services that leave the client with the greatest degree of control of his/her affairs consistent with the well-being of the individual and his family.

4. When it is established that money management services are not adequate to resolve the problem, the local social service agency shall recommend to the refer-

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PROPOSED RULES

ring party the establishment of protective or vendor payments.

5. In making the recommendation the local social service agency shall:

a. Document that the client's present management of funds is threatening to his/her well-being or the well-being of his/her children.

b. Recommend the payment method (protective or vendor) most appropriate to the client's need.

c. Recommend the choice of a protective payee. The client is to be involved in the selection process.

(1) Excluded payees are county welfare directors, welfare board members, landlords, grocers, and vendors of goods and services who deal directly with clients.

(2) A local social service agency staff member may be the protective payee for clients if no other suitable payee can be found.

d. Define the respective responsibilities of the protective payee, agency and client in writing with copies given to payee, the client and the agency.

6. The local social service agency shall continue to offer money management services to assist the client to resume total responsibility for managing his/her grant.

7. The local social service agency shall review the need for protective/vendor payments quarterly and inform the referring party whether there is a need to continue protective or vendor payments.

8. Protective and vendor payments of AFDC cases shall not continue for more than two years, and are subject to a fair hearing appeal by the recipient.

9. In AFDC cases, the local social service agency shall recommend appointment of a guardian or placement of children with a relative or in foster care if money management problems are not resolved after two years of protective/vendor payments.

DPW 216 Residential treatment service.

A. Introduction.

1. This rule governs the provision of residential treatment service by local social service agencies to individuals placed in residential facilities.

2. Definitions.

a. Residential treatment service. The arrangement for and provision of a therapeutic or developmental experience within a controlled twenty-four-hour-a-day residential facility.

b. Residential facility. Any facility, public or private, which provides twenty-four-hour-a-day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment which cannot be furnished in a person's own home. Residential facilities include, but are not limited to, state institutions, residential treatment centers, residential training centers, maternity shelters, group homes, residential programs such as halfway houses and primary treatment centers, or schools for handicapped children. Residential facilities, for purposes of this rule, do not include foster family homes.

c. Local social service agency. Local agency under the authority of the County Welfare Board or Human Service Board which is responsible for social services.

d. State agency. Minnesota Department of Public Welfare.

B. Standards of service.

1. The local social service agency shall utilize only those residential facilities which meet all licensing or certification standards established by the state. If out-of-state facilities are utilized, the facility shall meet standards comparable to those established by Minnesota state agencies.

2. The local social service agency shall base its selection of a residential facility on the facility's capacity to meet the client's individual needs. When there is more than one approved vendor who could meet the client's needs, the client is to be allowed to select the vendor of his choice.

3. The local social service agency shall give the residential facility that information which the facility determines that it needs to provide appropriate care and treatment, provided that the information is accompanied by a signed release-of-information form from the client.

4. The local social service agency shall collaborate with the facility in the development, ongoing evaluation and implementation of the client social service plan and, to the extent possible, shall utilize the assistance of the facility in developing post-discharge plans for the local agency's continuing services to the total family.

5. The local social service agency shall establish a

PROPOSED RULES

written agreement with the residential facility which shall include, but not be limited, to the following:

- a. Goals of the placement.
 - b. Specific responsibilities of the placing agency and the facility in the delivery of services to the client and/or the client's family.
 - c. Requirements for progress reports.
 - d. Expectations of what services will be delivered, and by whom, when the client is discharged.
6. The local social service agency shall help the client:
- a. Determine if he needs a residential facility.
 - b. Participate in the selection of a suitable residential facility.
 - c. Determine what assistance he may want from the agency.
 - d. With his adjustment to the facility and to bring any concerns about conditions in the facility to the attention of the operator.
 - e. Plan for disposition of belongings, if appropriate, or plan for the retention of his room, apartment, or house for that period of time that he receives services in a residential facility.
7. The local social service agency shall assure that provision is made to help the client, to the extent possible, to:
- a. Maintain family and community ties.
 - b. Make use of community resources, if appropriate, including social and recreational opportunities.
 - c. Obtain regular medical and dental evaluation, if indicated, carry out any prescribed program of medical care, and arrange for needed funding for such care.
 - d. Secure and utilize supportive services, such as transportation.
 - e. Move to an independent living arrangement or another facility, if indicated.

f. Achieve the objectives of the post-discharge plan.

DPW 217 Social and recreational services.

A. Introduction.

1. This rule governs the provisions of social and recreational services by local social service agencies.

2. Definitions.

a. **Local social service agency.** Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. **Social and recreational services.** Social and recreational services are those services which are designed to arrange and provide opportunities for personal growth and development and which enable individuals to participate in activities that maintain physical and mental vitality.

B. Standards of service.

1. The local social service agency electing to offer social and recreational services shall indicate in its annual social service plan the components of the service the agency intends to provide.

2. The local social service agency, in the delivery of this service, may offer any one or combination of the following components:

a. **Activities that individuals participate in growth experiences such as camping, hobbies, recreational social programs in the community.**

b. **Programs that provide youth an opportunity for relationships with an adult.**

c. **Activities that involve senior citizens in special social recreational programs for the aged.**

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of social and recreational services as are consistent with state and federal laws.

DPW 218 Transportation services.

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PROPOSED RULES

A. Introduction.

1. This rule governs the provision of transportation services by local social service agencies.

2. Definitions.

a. **Local social service agency.** Local agency under the authority of the county welfare board or human service board which is responsible for social services.

b. **Transportation services.** Transportation services are those services which are designed to arrange and provide travel and escort to and from community resources and facilities.

B. Standards of service.

1. The local social service agency electing to offer transportation services shall indicate in its annual social service plan the components of the service the agency intends to provide.

2. The local social service agency, in the delivery of

this service, may offer any one or combination of the following components:

a. Arranging for volunteer drivers to transport individuals to and from community resources and facilities.

b. Reimbursement for transportation cost incurred in going to and from community resources and facilities.

c. Escorting individuals to and from community resources and facilities in agency owned or leased vehicle.

3. The local social service agency may offer, upon approval of the Department of Public Welfare, such other components in the delivery of transportation services as are consistent with state and federal laws.

4. The local social service agency shall use for transportation services only drivers or carriers that have a valid drivers license and adequate insurance coverage including auto insurance required by the state.

OFFICIAL NOTICES

Ethical Practices Board

Notice of Meeting and Preliminary Agenda

Room 14, State Office Building, 1:30 p.m., Friday, May 13, 1977.

1. **Minutes** (March 10 and April 14, 1977)
2. **Report of the Chairperson**
3. **Report of Legal Counsel**
4. **Election of Officers**
5. **Report of the Wage and Salary Review Committee**
6. **Executive Director Report:**
 - a) Financial Report . . . Lundstrom
 - b) Legislative Program
 - c) Administrative Procedures — Lobbyists, economic disclosure
 - d) Status of principal campaign committees, political committees and funds
 - e) Status of lobbyists
7. **Other Business**
8. **Executive Session** pursuant to *Minn. Stat.* § 10A.02 subd. 10.

Notice of Amendment to Rules

The Ethical Practices Board announces that EC Rules and Regulations 601, 604, 607 through 623 are superseded by the hearing rules of the Office of Hearing Examiner as provided in *Minn. Stat.* § 15.052, subd. 4 (1976).

Copies of the board's hearing rules and regulations are available at the Ethical Practices Board, Room 41, State Office Building, St. Paul, Minnesota. Rules of the Office of Hearing Examiner are available for purchase from Documents Section, Department of Administration, Centennial Building, St. Paul, Minnesota.

Department of Personnel

Notice of Intent to Solicit Outside Information on Rules Governing a Code of Ethics for Employees in State Government

Notice is hereby given that the Department of Personnel is drafting rules to establish a code of ethics for employees

of the executive branch of the State of Minnesota. The rules governing a code of ethics are authorized by *Minn. Stat.* § 43.05 subd. 2 (13) (1976). It is the intent of these rules to set forth guidelines identifying situations where the potential for conflict of interest exists; and to establish a procedure for resolving any such conflict.

The department invites all interested persons or groups to provide information or comment on the subject in writing to:

Richard R. Cottrell
Department of Personnel
Third Floor Space Center
444 Lafayette Road
St. Paul, MN 55101

All statements of information or comment must be received by May 20, 1977. Any written material received by the department on or before this date will become part of the hearing record.

Minnesota State Retirement System

Notice of Meeting

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, May 20, 1977, at 9:00 A.M. in the office of the System, 529 Jackson Street, St. Paul, Mn.

Department of Transportation

Notice of Contested Case Hearing on Petition of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company for Authority to Discontinue Service at LaCrescent, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on May 25, 1977, at 10:00 A.M., in the City Council Chambers, City of LaCrescent, 315 Main Street, LaCrescent, Minnesota 55947.

OFFICIAL NOTICES

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota, 55104, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 all parties and potential parties of interest are given an opportunity to be heard on the proposed discontinuance of agency service at LaCrescent, Minnesota; converting LaCrescent to a prepay/carload only, nonagency station, and authorizing the abandonment and removal of the depot building at LaCrescent, Minnesota.

The petition recites, among other matters, that the petitioner maintains agency service at LaCrescent, Minnesota, which is dualized agency service at New Albin, Iowa; and that the railroad business conducted at LaCrescent has been reduced to a point where it is no longer economically justified to maintain said service; and that the present business could adequately be handled by a prepay/carload only, non-agency station, with accounts for LaCrescent handled at LaCrosse, Wisconsin.

Further, the petition recites that the shippers by rail served by the LaCrescent station would not be unduly harmed or inconvenienced by the discontinuance of present agency service at LaCrescent, and that the continuation of such service "would constitute an unreasonable and unlawful burden on interstate and intrastate commerce."

All parties are advised that if a party intends to appear at the hearing scheduled for May 25, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a pre-hearing conference, rights to present evidence and cross-examine

witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: May 25, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Notice of Contested Case Hearing on Petition of American Crystal Sugar Company of Moorhead for a Lateral Clearance Variance

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 8, 1977 at 10:00 A.M., at the Offices of

OFFICIAL NOTICES

the Department of Transportation, Room B-9 Transportation Building, Saint Paul, Minnesota.

The hearing will be held before Natalie Gaul, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8119), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the proposed lateral clearance variance for the construction of a car loading canopy over an industrial spur track serving American Crystal Sugar Company's plant at Moorhead (Bingham), Minnesota.

The petition recites that the vertical clearance would be 23 feet above the rail but that the lateral clearance would only be 7 feet from the center of the rail and therefore less than the statutory limit of 8 feet 6 inches; and that American Crystal Company would switch cars to and from the loading facility to the railroad switch point with its own equipment and that the railroad (Burlington Northern, Inc. Company) would not switch cars to and from the fertilizer storage building where the proposed car loading canopy would be built.

All parties are advised that if a party intends to appear at the hearing scheduled for June 8, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155

(Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record of transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: June 8, 1977

Name and Telephone Number of Hearing Examiner:

Mrs. Natalie Gaul
1745 University Avenue
Saint Paul, Minnesota 55104
296-8119

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

EQC MONITOR

Minnesota Environmental Quality Council, 550 Cedar St., St. Paul, Mn., (612) 296-2723

Environmental Quality Council

Negative Declarations (No EIS)

The Environmental Assessment Worksheets (EAWs) listed below have been filed with the EQC. These EAWs determined that EISs are not needed on these projects because they are not major actions and do not have the potential for significant environmental effects. **No EIS's will be required on these projects unless objections are filed with the EQC by June 1, 1977.** MEQC Rule 29B indicates the procedures for filing objections to a Negative Declaration.

Wood Ridge Addition No. 2 Ramsey County

Proposer: R. D. Associates

Responsible Agency: City of Vadnais Heights

Project Description: Replat an existing Planned Unit Development to 88 single homes plus eight townhouses.

Project Location: Vadnais Heights, Ramsey County, Sec. 30, R22W, Twp. 30N; S.W. Corner of County Rd. F and McMenemy

Copies of the EAW and supporting documentation are on file for public review from 9 a.m. to 4 p.m. at:

Vadnais Heights City Hall
687 East County Rd. F
Vadnais Heights, MN 55110
(612) 429-5343

For further information on this EAW contact the Vadnais Heights City Clerk, address and telephone as above.

Bass Creek Estates Hennepin County

Proposer: Good Value Homes

Responsible Agency: City of Brooklyn Park

Project Description: Single family residential development consisting of a total of 359 homes with total density of 2.59 homes per acre.

Project Location: Brooklyn Park, Hennepin County, Sec. 31, R21W, Twp. 119N.

Copies of the EAW and supporting documentation are on file for public review from 8 a.m. to 5 p.m. at:

Brooklyn Park City Hall
5800 85th Avenue North
Brooklyn Park, MN 55443
(612) 425-4502

For further information on this project contact Scott M. Clark, address and telephone as above.

Equadamog Shores, Balsam Acres Cass County

An Environmental Assessment on the proposed Equadamog Shores residential development has been submitted to the EQC by the Cass County Zoning Office. The Assessment determined that no EIS is needed on this project because it is not a major action and does not have the potential for significant environmental effects.

The proposed activity is a residential subdivision of 20 lots to be located in Inguadona, Cass County, Sec. 32, R27W, Twp. 141N.

This Assessment was ordered prior to the effective date of the revised EQC Environmental Impact Statement Rules and will be processed under the old Rules. **The EQC will make a decision on the necessity for an EIS on this project at its May 10, 1977 meeting.**

The Environmental Assessment and supportive documentation are on file for public review from 8 a.m. to 5 p.m. at:

Cass County Zoning Office
Courthouse
Walker, MN 56484
(218) 547-3300

For further information on this Environmental Assessment contact Carol Newstrand, Cass County Zoning Administrator, address and telephone as above.

Department of Natural Resources

Natural Resource Permit Application for St. Louis County

Name of Permit: Work in Public Waters

Applicant: City of Duluth

Project Location: Duluth, St. Louis County, Sec. 8, R14W, T49N.

Project Description: Erie Pier Diked Disposal Facility; to confine polluted material removed from Duluth-Superior Harbor by maintenance dredging. Facility will cover 70 acres of shallow water aquatic habitat. Future use of land would be industrial.

A federal EIS has been prepared on this project. No state Environmental Assessment Worksheet (EAW) preparation is anticipated.

Comments and requests for additional information on this project should be submitted by June 1, 1977 to:

John Clausen
Department of Natural Resources
345 Centennial Bldg.
St. Paul, Minnesota 55155
(612) 296-4803

Notice of Hearing Concerning Construction of Water Control Structures on Big Marine Lake, Big Carnelian Lake and Little Carnelian Lake

Notice is hereby given that pursuant to Minn. Stat. ch. 105, a public hearing will be held before Allan W. Klein, State Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota, 55104, (612) 296-8106, a hearing officer appointed by the Commissioner of Natural Resources, to determine the natural ordinary high water elevations for Big Marine Lake, Big Carnelian Lake and Little Carnelian Lake in the County of Washington, State of Minnesota. Said hearing shall be conducted in the Auditorium of the Stillwater Senior High School, 523 W. Marsh, Stillwater, Minnesota, on the 3rd day of May, 1977, commencing at 6:30 o'clock in the evening or as soon thereafter as the matter can be heard.

Notice is further given that the Board of County Commissioners of the County of Washington have applied for authority to construct water control structures on Big Marine Lake at elevation 940.00 feet above sea level and Big Carnelian Lake for a range between 859.00 and 863.00 feet above sea level. At the aforesaid time and place, the hearing officer will receive evidence on whether it is in the public interest to grant the authority applied for.

Procedure for the hearing shall be as follows: Testimony on Tuesday evening, May 3, shall consist of evidence of the applicant and analyses by specialists from the Minnesota Department of Natural Resources. A second session to re-

ceive testimony from organizations and the general public will commence at 9:00 o'clock a.m., May 4, at Hooley Hall, Washington County Fair Grounds, 12300 - 40th Street North, Stillwater, Minnesota. A third session will begin at 7:00 o'clock that evening at Hooley Hall. Persons wishing to testify are not required to attend all sessions but members of the public are urged to attend the May 3 session if they intend to testify at a later session. The hearing will be continued to a later date if necessary to afford all interested persons with the opportunity to be heard.

Michael C. O'Donnell
Acting Commissioner

Pollution Control Agency Natural Resource Permit Application for Clay County

Name of Permit: Installation Permit

Applicant: Anheuser-Busch, Incorporated

Project Location: Moorhead, Clay County

Project Description: Construct and operate a barley malt-ing plant handling 6,400,000 bushels of barley malt per year, which will burn No. 6 oil in boilers with 200,000 pounds per hour design steam capacity.

An Environmental Assessment has been completed on this project and no EIS was ordered.

For further information on this project contact:

George Vasilakes or Richard Starn
Minn. Pollution Control Agency
1935 West County Rd. B-2
Roseville, MN 55113
(612) 296-7267

Comments on this project should be submitted by June 1, 1977 to:

Edward M. Wiik
Pollution Control Agency
Address as Above
(612) 296-7331

Natural Resource Permit Application for Lake County

Name of Permit: Use of Liquid Storage Site

Applicant: Duluth, Missabe and Iron Range Railway Company

Project Location: Two Harbors, Lake County, NW ¼ Sec. 1, R11W, Twp. 52N.

Project Description: Fuel storage for Two Harbor locomotive service facility consisting of two 115,000 gallon above-ground tanks completely surrounded by diking, as part of a proposed taconite transshipment facility.

An EIS has been completed on this project.

Comments and requests for additional information on this project should be submitted by June 1, 1977 to:

Donald K. Perwien
Pollution Control Agency
Address as Above
(612) 296-7329

Natural Resource Permit Application for St. Louis County

Name of Permit: Construction and Operation of Liquid Storage Facilities

Applicant: Minneapolis Electric Steel Casting Co.

Project Location: Duluth, St. Louis County; 97th Ave. & Filmore St.

Project Description: Construct a containment basin around three fuel oil tanks (each tank having a capacity of 99,000 gallons), as part of proposed construction of a foundry.

An Environmental Assessment has been completed on this project and the EQC determined that no EIS is needed.

Comments and requests for additional information on this project should be submitted by June 1, 1977 to:

Abner M. Fisch
Minn. Pollution Control Agency
Address as Above
(612) 296-7389

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

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Please send me:

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_____ Annual subscription(s) to the *EQC Monitor* at \$50.00 (second and additional subscriptions are \$35.00 each). Contains all items of environmental concern.

NOTE: The above items are not subject to Minnesota sales tax. *State Register* binders, listed below, do require either sales tax or your tax exempt number.

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These are 3-½ inch durable plastic self-locking binders, imprinted with the *State Register* logo.

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Name of Company or Organization_____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____ [S.R. 3/14/77]

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House of Representatives
Attn: Edward Burdick, Chief Clerk
Room 211 Capitol
St. Paul, Minnesota 55155

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