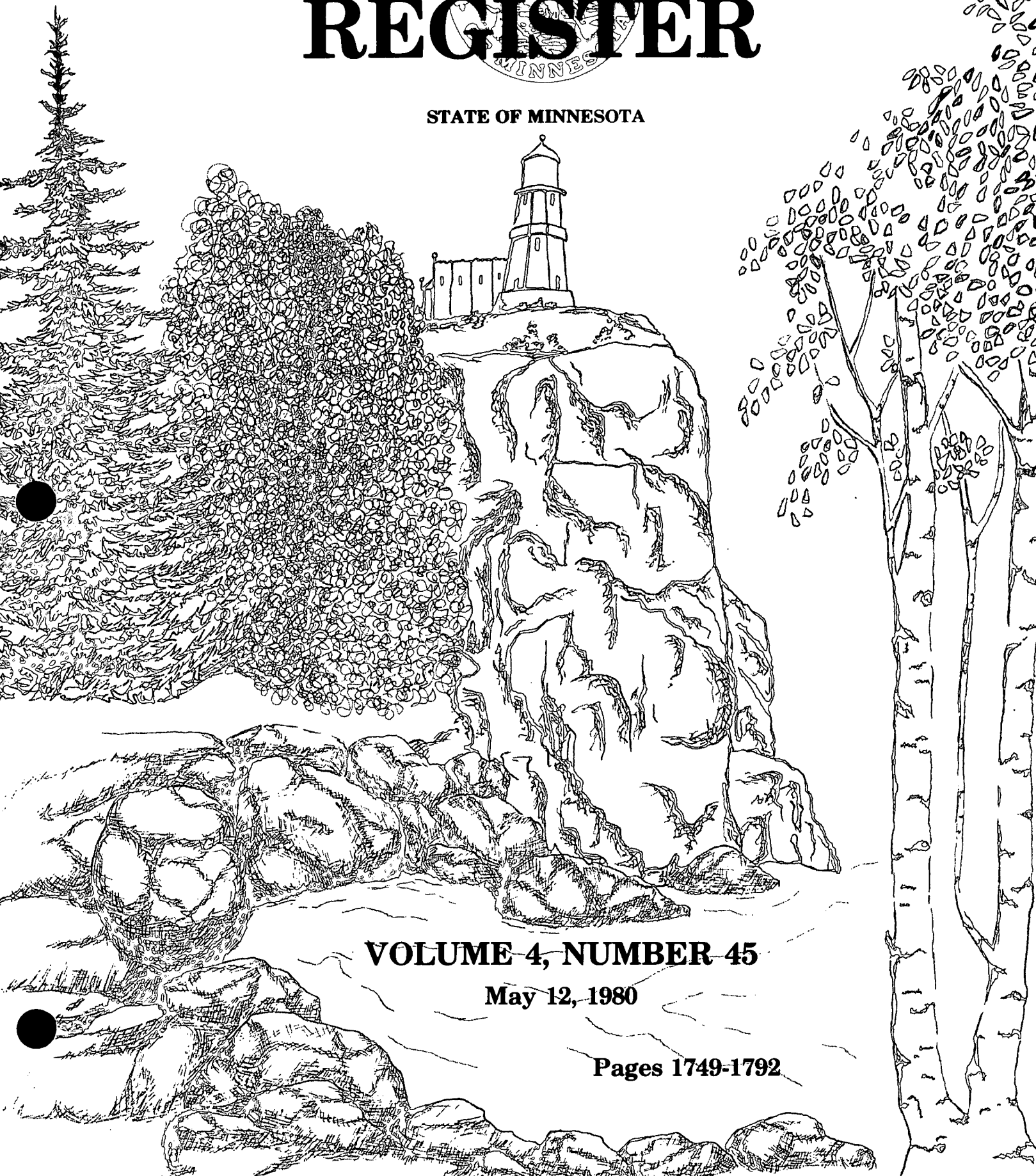




STATE REGISTER

STATE OF MINNESOTA



VOLUME 4, NUMBER 45

May 12, 1980

Pages 1749-1792



Volume 4 Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 4			
46	Monday May 5	Monday May 12	Monday May 19
47	Monday May 12	Monday May 19	Monday May 26
48	Monday May 19	Friday May 23	Monday June 2
49	Friday May 23	Friday June 2	Monday June 9

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR **AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive

Issues 14-25, inclusive

Issue 26, cumulative for 1-26

Issue 27-38, inclusive

Issue 39, cumulative for 1-39

Issues 40-51, inclusive

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EXECUTIVE ORDERS

Emergency Executive Order No. 80-3

Providing for Emergency Assistance to County Officials of Minnesota

I, ALBERT H. QUIE, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and Laws of the State of Minnesota, do hereby issue this Executive Order:

WHEREAS, officials of the Department of Natural Resources of Minnesota have requested assistance in preserving life and property by the control of fires caused by adverse weather conditions; and

WHEREAS, those officials and all affected local governments have exhausted all available resources in their efforts to preserve life and property from destruction caused by uncontrolled fires within Minnesota; and

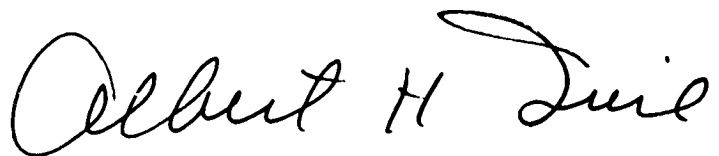
WHEREAS, it is necessary for the preservation of life and property that the state provide assistance to the Department of Natural Resources officials in their efforts to preserve life and property;

NOW, THEREFORE, I order:

1. The Adjutant General of Minnesota shall order to active duty on and after April 21, 1980, in service of the state such elements of the military forces of the state as are necessary to assist local officials in successfully combating fires where life and property are endangered. Those forces shall be utilized for such period of time as it is necessary to successfully combat serious fire conditions.
2. The costs of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the state as provided for in Minn. Stat. §§ 192.49, subd. 1; 192.51, subd. 2; and 192.52 (1978).

This Order is effective retroactively to April 21, 1980, and shall remain in force until such date as elements of the military forces of the state are no longer required.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 23rd day of April, 1980.



EXECUTIVE ORDERS

Executive Order No. 80-4

Provision for the Establishment of A Governor's Task Force on Ridesharing

I, ALBERT H. QUIE, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including but not limited to, Minn. Stat. § 15.0593, do hereby issue this Executive Order:

WHEREAS, increasing energy costs are creating serious economic problems for the citizens, employers and governmental bodies in Minnesota; and

WHEREAS, the practice of sharing rides enables commuters in Minnesota to minimize fuel use and transportation costs; and

WHEREAS, Minnesota's employers and public officials must assume an active leadership role in encouraging and facilitating ridesharing;

NOW, THEREFORE, I ORDER:

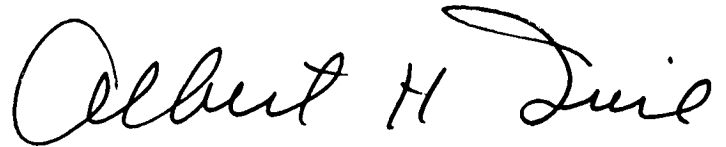
1. The establishment of the Governor's Task Force on Ridesharing pursuant to Minn. Stat. § 15.0593 and other applicable state statutes.
2. The Task Force shall consist of fifteen (15) members and shall be composed of:
 - a. A state department commissioner;
 - b. Two (2) elected officials from outside the seven-county (7) metropolitan area.
 - c. Two (2) elected officials from within the seven-county (7) metropolitan area.
 - d. Up to five (5) chief executive officers or their designated representatives from firms or organizations from outside the seven-county (7) metropolitan area.
 - e. Up to ten (10) chief executive officers or their designated representatives from firms or organizations from within the seven-county (7) metropolitan area.
3. The members shall be appointed by the Governor pursuant to Minn. Stat. § 15.0596. The Governor shall appoint the chairman of the Task Force from among the members. Terms of the members shall be until the duties required in paragraph 5 are completed but not later than May 30, 1982. Members shall be entitled to payment of expenses by the Minnesota Department of Transportation.
4. The establishment of a corps of knowledgeable staff designated by the Commissioners of Transportation, Revenue, Finance, Public Safety, Economic Development, Education and Administration; the Directors of the Energy Agency and State Planning Agency; the Chairmen of the Metropolitan Council and the Metropolitan Transit Commission to assist the Task Force.
5. The responsibilities of the Task Force shall be to:
 - encourage business and government leaders to initiate and expand ridesharing;
 - assist in overcoming regulatory, financial, insurance and other institutional barriers to ridesharing;

EXECUTIVE ORDERS

- recommend actions that may be taken by government to alleviate obstacles to ridesharing; and
- provide a continuing dialogue between government and the private sector to facilitate development of ridesharing.

Pursuant to Minn. Stat. § 4.035 (1980), this Order shall be effective fifteen (15) days after filing with the Secretary of State and publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. § 4.035 or § 15.0593.

IN TESTIMONY WHEREOF I have hereunto set my hand this 28th day of April, 1980.



PROPOSED RULES

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

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

Department of Education Vocational-Technical Division

Notice of Withdrawal of Temporary Rules Governing Distribution of Vocational Aids

The proposed temporary rules (5 MCAR §§ 1.01041-1.01047 and 5 MCAR §§ 1.0104; 1.0105 and 1.0107) published at *State Register*, Volume 4, Number 35, pp. 1420-1422, March 3, 1980 (4 S.R. 1420) have been withdrawn.

Howard B. Casmeay, Secretary
Department of Education

Department of Public Welfare Social Services Division

Proposed Amendments to 12 MCAR § 2.160 (Rule 160) Governing the Administration of Public Social Services

A public hearing concerning the proposed amendments to 12 MCAR § 2.160 will be held at Room D, Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, on Tuesday, June 17, 1980, commencing at 9:00 a.m. The proposed amendments may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed amendments, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Richard C. Luis, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Room 300, St. Paul, MN 55104 (612) 296-8114, either before the hearing or within five working days after the close of the

hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed and amended rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

12 MCAR § 2.160 (Rule 160) governs the administration of publicly funded social services provided directly or purchased by county boards of commissioners and human services boards in Minnesota. Generally, the proposed amendments seek to improve the clarity of the rule, to correct statements which in the past have caused confusion, to give local social service agencies more latitude in the host county contracting policy, and to bring the rule into further compliance with Title XX of the Social Security Act. Major proposed changes include:

- designation of county boards of commissioners (rather than county welfare boards) as the authority to administer, plan, and fund community social service programs;
- addition of MR guardianship and conservatorship services as a component of child protection services, thereby making these services eligible for federal funds;
- inclusion of the provision of residential treatment services for adults who are mentally retarded as a mandatory service;
- addition of the service of money management to the list of priority services;
- addition of residential treatment for the mentally ill as a priority service;
- addition of clarification of the right to a fair hearing for applicants and recipients of social services;
- elimination of the distribution of federal social service funds on the basis of a formula developed by the commissioner of public welfare;
- elimination of court ordered social services as services which can be provided to children and paid for with Title XX funds without regard to income;

- addition of a sub-paragraph to the host county contracting policy, to give the local social services more latitude in refusing to write, for good cause, a host county contract.

Also, several proposed changes are included to improve the clarity of a sentence or phrase; these additions, deletions, or word substitutions do not change the meaning or intent of the respective portions of the rule.

The agency's authority to adopt the proposed rule is contained in Minn. Stat. §§ 256.01, subd. 2(1), 256.011 and 393.07 (1978).

The agency estimates that there will be no cost to local public bodies in the state to implement the amendments for the two years immediately following their adoption within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

Copies of the proposed rule are now available and at least one free copy may be obtained by writing to Lou Brelje, Social Services Division, Department of Public Welfare, Centennial Building, St. Paul, MN 55155, telephone (612) 296-2725. Additional copies will be available at the hearing. If you have any questions on the content of the proposed amendments contact J. Philip Peterson, (612) 296-3970.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

April 24, 1980

Arthur E. Noot
Commissioner of Public Welfare

Rules as Proposed

12 MCAR § 2.160 Administration of Minnesota Public Services

A. Introduction.

1. This rule governs the administration of publicly funded social services in Minnesota as identified in A.6.t. of this rule. The authority for the administration of social services is found in Minn. Stat. ch. 256, and other applicable state laws. Authority is also found in Public Law 93-647, as implemented by Title 45 of the Code of Federal Regulations, Part 228. The delivery of public social services in Minnesota is state supervised and locally administered. The authority for this method of delivery is given in Minn. Stat. chs. 256E, 393 and 402.

2. The Commissioner of Public Welfare may issue bulletins and manual material to local social service agencies and other service providers to clarify the provisions of this rule and may prescribe forms to be used in the administration of social services.

3. Social services shall be administered in a manner to ensure the individual and civil rights of applicants and clients. Information regarding individuals shall not be disclosed, except as provided under applicable state law and/or official departmental rules and regulations.

4. This rule is binding on all county ~~welfare~~ welfare boards of commissioners and human services boards and their respective agencies (hereinafter referred to as local social services agencies) in the State of Minnesota administering and providing social services, the state agency or other service providers under contract to local social services agencies or the state agency and applicants and clients of social services.

5. Sections A. through G. of this rule apply to county ~~welfare~~ welfare boards of commissioners and those human service boards which assume the responsibility for social services that would be provided by county ~~welfare~~ welfare boards of commissioners. Section H. applies to social services funded through Title XX of the Social Security Act of 1935, as amended.

6. Definitions.

a. Applicant means an individual who has directly, or through someone acting in his behalf, made application for social services.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

PROPOSED RULES

b. Application means a request for social services on forms prescribed by the state agency. The application shall contain sufficient information about the applicant to enable the local social services agency to make an eligibility decision. As part of the application process, the applicant shall be informed of his rights and responsibilities as outlined by the state agency.

c. Approved vendor means providers of social services which are licensed, approved as meeting state licensing standards, or where licensing is not required, meet standards or criteria established by the state agency or local social services agency.

d. Categories of individuals means grouping of persons on the basis of common characteristics such as recipient status (Aid to Families with Dependent Children, Supplemental Security Income, Minnesota Supplemental Aid), income level, age and physical or mental condition.

e. Comprehensive Annual Services Program Plan (CASP Plan) means the state social services plan, which is a compilation of all the local social services plans, and which meets the state plan requirements of Title XX of the Social Security Act.

f. Declaration method means acceptance of an individual's statements regarding the source and amount of his household monthly gross income, and the income maintenance status of any member of the household.

g. Documentation means written evidence, in addition to signed application and income declaration forms, of income maintenance status or household monthly gross income.

h. Federal financial participation (FFP) means federal monies available through Title XX of the Social Security Act to be used in payment for social services.

i. Fees means monies billed and/or collected for the services provided.

j. Geographic area means locally identified political subdivision of the state covered by a social services plan.

k. Gross income means income, prior to any deductions, received from wages or salary; net income from self-employment; net farm income; Social Security payments; dividends, interest, rent received, or royalties; General Assistance payments; pensions and annuities; unemployment compensation; worker's compensation; alimony; child support; veteran's pensions; or any combination of the above sources of income.

l. Host county contract means contractual agreement between a purchase of service vendor and the local social services agency (the host county) where the vendor is located. All other social services agencies wishing to purchase from the vendor are bound by the terms of the host county contract.

m. Income eligible client means an individual needing and receiving social services whose income level is the basis for allowing the agency to claim federal financial participation under Title XX.

n. Income maintenance status means an individual

whose eligibility for Title XX federal financial participation in services received is based on his receipt of Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), or Minnesota Supplemental Aid (MSA).

o. Local social services agency (also known as local agency) means local agency under the authority of the county ~~welfare~~ board of commissioners or human services board which is responsible for social services.

p. Mandatory services means services required ~~in~~ by agency rule, state law or federal regulation.

q. Optional services means services available at the discretion of the county ~~welfare~~ board of commissioners or human service board.

r. Priority services means services the state agency strongly recommends be made available by the local social services agencies, but which are available at the discretion of the county ~~welfare~~ board of commissioners or human services board.

s. Provider means agency or individual delivering services.

t. Social services means those services which are included in the Minnesota Comprehensive Annual Services Program Plan. Such services include, but are not limited to: adoption, chore, counseling, developmental achievement for adults and children, day care for adults and children, educational assistance, employability, family planning, foster care for adults and children, health, home delivered and congregate meals, homemaking, housing, information and referral, legal, money management, protection for adults and children, residential treatment, social and recreational, and transportation. Social services do not include income maintenance programs, mental health center programs established pursuant to Minn. Stat. § 245.61-69, health department programs or CETA programs unless there happens to exist a Title XX purchase of service contract between the county board of commissioners ~~welfare department~~ and those other programs.

u. Source document means a written statement such as a paycheck stub or birth certificate used to verify income, age, etc.

v. State Administrative Plan means a federal approved statewide plan for the administration of the Title XX Program. The State Administrative Plan establishes the requirements in H.2. of this rule.

w. State agency means Minnesota Department of Public Welfare.

x. Vendor means agency or individual from whom services are purchased.

B. State and local social services planning.

1. The Comprehensive Annual Services Program Plan year shall be October 1 through September 30.

2. On or before a date stipulated by the state agency, each local social services agency shall submit to the state agency

PROPOSED RULES

a plan for service delivery and a budget to support that plan. The plan and budget shall be in accordance with the Local Social Services Plan Guidelines and budget forms prescribed by the state agency.

3. The political entity covered by a local social services plan shall be known as the geographic area. The following criteria shall be followed in establishing geographic areas:

a. A county may designate itself as a geographic area.

b. No political subdivision smaller than a county shall be designated as a geographic area.

c. A political subdivision larger than one county may be designated a geographic area if one of the following conditions is met:

(1) Counties have combined for administrative purposes under a joint powers agreement, executed pursuant to Minn. Stat. § 393.01, subd. 7.

(2) Counties have combined under provision of the Human Services Act, or

(3) Contiguous counties within the same Governor's Economic Region or two or more regions have elected by board action to submit a multicounty plan that provides the same services to the same eligibility groups in all counties in that geographic area.

(4) There is a state contract for a service, and that service is available statewide.

4. Services provided may differ among geographic areas, except for mandatory services, which must be available on a statewide basis.

5. Priority and optional services included in geographic area plans shall be available to all persons in eligible categories specified in the plan.

6. On or before July 1 of each year, the state agency shall publish a proposed Comprehensive Annual Services Program Plan for the delivery of public social services. A copy of the proposed plan shall be available from the state or local social services agencies at no cost to any individual on request.

a. There shall be a 45-day period, beginning July 1, for public review and comment on the proposed plan.

b. Public meetings may be held throughout the state to answer questions and receive public comment on the proposed annual plan.

7. On or before October 1 of each year, the state agency shall publish the final Comprehensive Annual Services Program Plan. On request, a copy of the final plan shall be available from the state or local social services agencies at no cost to any individual ~~on request~~.

8. The Comprehensive Annual Services Program Plan may be amended by the state agency on its own initiative or at the request of a local social services agency with state agency approval.

a. The proposed amendment shall be published in all geographic areas affected by the amendment, and there shall be a 30-day public review and comment period on the proposed amendment.

b. The final amendment shall be published in all geographic areas affected by the amendment and shall not be effective earlier than the date of publication.

C. Local agency duties and responsibilities.

1. The local social services agency shall provide social services as required by law and the local social services plan. These services may be provided directly by the agency, purchased, or arranged for at no cost to the local social services agency.

a. Mandatory services shall be provided in accordance with the individual service plan to all persons who need them as determined by the local social services agency.

b. Priority and optional services shall be provided to persons requesting them if a need for them is determined by the local social services agency in accordance with the individual service plan. The local social services agency's obligation to provide priority and optional services ~~is limited to need not exceed the cost estimate for each service specified in the annual local social services plan provided, however, such services shall continue to be provided until the local social services agency formally amends the local social services plan to exclude the service(s).~~

2. The following services or components of services are mandatory under federal or state law and ~~must~~ shall be provided by the local social services agency to all persons in each geographic area ~~who need or request them~~, provided need for such service is determined by the local social services agency.

a. Adoptive services.

(1) Adoptive home studies on court referred adoption petitions.

(2) Adoptive home studies for applicants wishing to adopt minority or handicapped children.

(3) Placement and follow-up for all children placed under agency auspices.

b. Developmental achievement services.

c. Day care services—For children receiving Aid to Families with Dependent Children (AFDC) whose parents are employed or in training for employment.

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d. Family planning services—Education or counseling for individuals receiving Aid to Families with Dependent Children.

e. Foster care services for children.

f. Health related services required under the Minnesota Hospitalization and Commitment Act—For individuals needing institutional treatment; community alternatives to institutional care for mental illness, chemical dependency or mental retardation; and management of individualized service plans on release from state institutions.

g. Protective services for adults—including Mental retardation guardianship and conservatorship services.

h. Protective services for children—including MR guardianship and conservatorship services.

i. Residential treatment services.

(1) For emotionally disturbed children in licensed residential treatment centers or group homes.

(2) For mentally retarded children ~~and adults.~~

j. Employability services—For individuals receiving Aid to Families with Dependent Children.

3. The following services, or components of services, are priority services, not made mandatory by federal or state law, but which have been ~~significantly~~ funded by the state in the past or which have been ~~significantly delivered~~ provided in the past. That is, priority services are based upon historical practice. Priority services are available at the discretion of the county board of commissioners or human services board. The state agency strongly recommends these services be made available by local social services agencies.

a. Chore services—For individuals receiving Supplemental Security Income.

b. Day care services for children—For children of working parents in income eligible categories.

c. Family planning services.

(1) Education or counseling for individuals in the income eligible categories.

(2) Health related services and supplies for individuals in the income eligible categories.

d. Health related services—Other than those required by the Minnesota Hospitalization and Commitment Act as defined in the Comprehensive Annual Services Program Plan.

e. Home delivery and congregate meals.

(1) For individuals receiving Supplemental Security Income.

(2) For individuals who are in the income eligible categories.

f. Homemaking services including, but not limited to, attendant care.

(1) For all adults.

(2) For children during the temporary absence of the parent responsible for their care.

g. Information and referral services.

h. Money management services.

i. Protective Services for Adults—Other than subacute detoxification services and mental retardation guardianship services.

j. Residential treatment services.

(1) Primary treatment for individuals who are chemically dependent.

(2) Residential treatment for individuals who are mentally ill.

~~(2)~~ (3) Halfway house for individuals who are chemically dependent ~~and~~ or mentally ill.

k. Transportation services—For individuals receiving Supplemental Security Income.

1. Employability services.

(1) For Supplemental Security Income-Minnesota Supplemental Aid recipients.

(2) For low-income persons who are income eligible.

4. The following services, or components of services, shall be made available at the option of the local social services agency. These optional ~~services are nonmandatory services which~~ have past records of delivery or state funding that have not been as significant as the ~~records provision~~ of priority services found in ~~subparagraph 3 of this section C. C.3. of this rule.~~

a. Day care for children—For families on a fee basis who are not in the income eligible categories.

b. Day care for adults.

c. Education assistance.

d. Foster care for adults.

e. Home delivered and congregate meals.

(1) For individuals receiving Aid to Families with Dependent Children.

(2) For individuals on a fee basis who are not in the income eligible categories.

f. Housing services.

g. Legal services.

h. Social and recreational services.

i. Transportation services—other than Supplemental Security Income.

j. Counseling services for families and individuals.

D. Client information for social services.

1. Information gathered on clients shall be used for the

provision of services and the management of the program and shall be limited to the information necessary for these purposes.

2. Clients shall be informed that information on them is collected, used, stored and disseminated.

3. Information regarding clients shall be collected, used, stored, and disseminated only in accordance with state and federal law.

4. Officials directly related to the provision of service and administration of the program shall have access to client information. These officials may include those of the agency to which the client applies, those of the agency providing service, federal and state auditors, evaluators, and researchers with the authorization of the Commissioner of Public Welfare.

E. Application.

1. Each individual wishing to apply for social services shall be given the opportunity to do so without delay.

a. Applications shall not be required for information and referral services.

b. At local agency option, applications may be required for determining group eligibility. However, whether or not applications are required, the local social services agency shall obtain sufficient information to document the basis for the group eligibility decision. Exception: Clients requesting family planning services, whether based on group eligibility or individual eligibility, shall make written application in order to document that the request is voluntary.

2. Except as provided for in E.1. above, each application shall be completed, signed, and dated by the applicant or by a responsible individual acting on behalf of the applicant on an application form prescribed by the state agency. If for reason of age, incompetence, noncooperation or any other valid reason the applicant cannot sign the application, the following may sign in descending order of priority:

- a. Legal guardian of the applicant.
- b. Relative of the applicant.
- c. Friend of the applicant.
- d. Agency representative.

3. Before an applicant's signature is requested on any forms, each applicant shall be given a complete and comprehensive written statement of his rights and responsibilities on the form prescribed by the state agency. For those individuals who cannot make use of or understand the written statement for any reason, the agency representative shall read out loud or interpret (if foreign language interpreting capability is available) and explain the written statement to the individual or to a responsible person acting on behalf of the individual. The agency representative also shall respond to any questions the applicant or his representative may have.

4. Each applicant or his representative shall declare his income on a form prescribed by the state agency, and shall sign and date the form. This form need not be completed if:

a. The applicant will only receive services without regard to income; or

b. The agency does not intend to claim Title XX federal financial participation (FFP) for the services to be provided; or

c. The applicant will only receive services on the basis of group eligibility.

5. The agency shall act promptly on the application. The agency shall not take longer than 30 days to make an eligibility decision and the agency shall not take longer than 15 days after the eligibility decision to notify the applicant in writing that his application has been approved or denied. The notification date and reason for denial or approval shall be entered in the case record. If the application is denied, the individual shall be notified in writing of the reason for denial and of his right to appeal to the state agency.

6. If application is approved, the local social services agency shall provide the social services with reasonable promptness. Reasonable promptness means:

a. Within 15 calendar days after the applicant has been notified of his eligibility; or

b. At an appropriate later date which has been mutually agreed upon by the local social services agency and the applicant.

7. Applicants for and recipients of social services shall have the right to a fair hearing to appeal any denial, reduction, or termination of a service, or failure of the local social services agency to act upon a request for service with reasonable promptness.

a. The following are examples of appealable actions:

(1) Failure to act upon an application within the prescribed time limits;

(2) Reduction of quality or quantity of social services;

(3) Denial of a request for a specific social service;

(4) Termination of social services;

(5) Disagreement with the social services plan developed between the recipient and the agency. An appeal shall also be authorized relative to any matter which is appealable based on state law or rule or federal law or regulation as they currently exist, or as they may exist based on subsequent amendments.

b. The local social services agency shall give the

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social services recipient timely, advance notice of any proposed agency action which may adversely affect the recipient. This notice shall be in writing, mailed to the recipient at least ten days before the effective date of the action, and shall inform the recipient of the right to appeal the action, the right to be represented by an attorney or other interested party at the hearing, and the conditions under which social services may be continued. Furthermore, the letter shall cite the specific rule or social services manual policy upon which the reduction or termination of services is based.

F. Client's right to accept or reject services. The applicant, if legally competent, shall have free choice to accept or reject an agency assessment of a need for social services or an offer of social services. A refusal to accept social services shall not affect payment of financial assistance under income maintenance programs except in the Work Incentive Program. The local social services agency is not relieved of its statutory responsibility to provide protective services by the refusal of such services by any person who needs such services or acts on behalf of anyone who needs social services. In these instances when a statutorily required service is rejected, the person or his caretaker or guardian shall be given a clear explanation of the possible consequences of that choice.

G. Client social services plan.

1. Whether services are provided directly by the local social services agency or through a contract with another provider, there shall be a plan mutually agreed upon by the agency and the service recipient (or his representative) for the provision of services for each family or individual receiving services.

2. The client social services plan shall:

a. Be developed with the person receiving service. If the client is unable to participate in developing the plan, the plan shall be developed with the person responsible for him the client.

b. Identify the needs for service (reasons for agency involvement); the specific services to be provided; the service provider; and the objectives to be achieved.

c. Specify the frequency (weekly, every other week, monthly, etc.) and purpose of contacts between worker and client.

d. State the anticipated time necessary to accomplish the identified objectives.

e. Specify mutually agreed upon times for review of the plan, to assess progress and revise, as necessary. The plan shall be reviewed at least annually.

H. Title XX of the Social Security Act.

1. Goals: Federal financial participation under Title XX of the Social Security Act shall be available to the extent federal funds are allotted for eligible individuals and services which are specified in the local social services plan. Social services shall be provided to achieve the following goals:

a. Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

b. Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

c. Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests;

d. Preserving, rehabilitating, or reuniting families;

e. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or

f. Securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

2. State administrative plan requirements:

a. The Minnesota Department of Public Welfare shall be the designated state agency for Title XX.

b. State and local funds shall be included in meeting the cost of the program.

c. Personnel administration shall be governed by rules of the State Merit System or respective county civil service system.

d. The use and disclosure of information on applicants and clients shall be safeguarded collected, used, stored and disseminated only in accordance with state and federal law.

e. There shall be no requirements as to duration of residence or citizenship in respect to eligibility for Title XX federal financial participation in costs of services provided.

f. Standards for institutions and foster homes shall be established by state licensing rules.

g. Standards for child day care services shall be established by state licensing rules.

h. A system of fair hearings shall be established under which an applicant may appeal denial, reduction, or termination of service.

i. The State Administrative Plan shall be amended when necessary.

j. Amendments to the State Administrative Plan shall be submitted to the Department of Health, Education, and Welfare by the State Department of Public Welfare.

k. Records shall be maintained and reports made to the federal agency as required by federal regulations.

1. The aggregate state expenditures for social services shall not be reduced below the aggregate expenditures for the fiscal year ending June 30, 1973.

~~3. Federal social service funds shall be apportioned to the local social services agencies on the basis of a formula developed by the Commissioner of Public Welfare.~~

3. 4. Eligible categories: Title XX shall be available for all mandatory, priority and optional services provided to eligible categories of individuals and families, when these services and categories are included in the local social services plan. Eligible categories of individuals are as follows:

a. Income maintenance eligible categories:

(1) Current recipients of Aid to Families with Dependent Children (AFDC).

(2) All individuals, not in the Aid to Families with Dependent Children grant, including stepfathers, but excluding foster parents, who are adult caretakers of children receiving Aid to Families with Dependent Children.

(3) Recipients of Supplemental Security Income (SSI) or Minnesota Supplemental Aid (MSA).

b. Income eligible categories:

(1) Individuals and families eligible without a fee.

(2) Individuals and families eligible with a fee.

(3) Individuals and families whose eligibility is determined on a group basis as specified in Section H. 5. of this rule.

c. Eligible without regard to income:

(1) Individuals receiving information and referral services.

(2) Individuals receiving services directed toward the goal of protection as specified in H. ~~6~~ 5. of this rule. (For cross-reference, see 45 CFR 228.65.)

(3) Minors who voluntarily request family planning services as specified in H. ~~7~~ 6. of this rule.

~~4. 5.~~ 4. 5. Group eligibility—~~a.~~ With state agency approval, local social services agencies have the option to include in the geographic area plan group determination of eligibility for social services as provided in and subject to federal regulations for Title XX.

~~5. 6.~~ 5. 6. Services directed toward the goal of preventing or remedying neglect, abuse, or exploitation without regard to income.

a. Adults.

(1) Title XX funds shall be available for services provided to adults who are unable to protect their own interests because of the actions or inactions of themselves or others which may result in injury, neglect, maltreatment, or exploitation. These adults shall include, but not be limited to, battered women.

(2) The local social services agency shall document by entering into the case record for each adult the circumstances which lead the agency to believe the adult is subject to or in risk of being abused, neglected or exploited. A social services plan shall be developed that is directed toward protecting the adult or assisting the adult in protecting his interests.

(3) No later than six months after the case has been opened, and every six months thereafter while the case remains open, the local social services agency shall reevaluate and document the continued need for services for preventing or remedying neglect, abuse, or exploitation of the adult. The appropriateness of the social services plan shall be reassessed at the same time.

(4) Federal financial participation shall be available without regard to income for the following services and activities for adults in need of protection:

(a) Identification of adults who are in need of protection.

(b) Provisions for the receipt and response to reports.

(c) Substantiation of the allegations.

(d) Counseling services with the adult or others responsible or interested in the adult's welfare when provided by the local social services agency.

(e) Assistance in arranging alternative living arrangements, medical care, legal services, and other services in the community.

(f) Assistance in arranging for guardianship, conservatorship, and commitment, or for providing advocacy, including legal services to assure the adult of rights and entitlements.

(g) Emergency homemaking services not to exceed 30 cumulative days in any 12-month period.

(h) Money management services.

(5) Eligibility for other social services in the Comprehensive Annual Services Program Plan which are directed to this goal shall be established on the basis of income maintenance status, income status, or group eligibility.

b. Children.

(1) Title ~~XX~~ funds shall be available to prevent or remedy child neglect, abuse or exploitation. Title XX funds shall also be available for runaways harmed or threatened with harm by virtue of their status as runaways.

(2) The local social services agency shall document by entering into the case record for each child, that the child is harmed or threatened with harm. Such harm shall be identified as nonaccidental physical or mental injury, sexual abuse as defined in Minn. Stat. § 626.556, or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter. Harm or threatened harm to a runaway shall also be documented.

(3) No later than six months after the case has

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been opened and every six months thereafter while the case remains open, the local social services agency shall reevaluate and document the continued need for services to prevent or remedy neglect, abuse or exploitation of a child. The appropriateness of the social services plan shall be reassessed at the same time.

(4) Federal financial participation shall be available without regard to income for the following services and activities for children in need of protection.

(a) Identification and social/medical diagnosis of such a child or condition.

(b) Provision for the receipt and response to reports.

(c) Substantiation of the allegations.

(d) Counseling services for families and individuals when provided by the local social services agency.

(e) Emergency shelter not to exceed 30 days in any six-month period which may be consecutive or may accumulate over more than one stay.

(f) Arranging for the provision of other services, when essential to the protection of the child.

(g) Legal representation or advocacy for the child.

~~(h) Court ordered social services with the exception of maintenance and medical costs which are not integral and subordinate, when the court absolves the family from making any payment or the payment established by the court does not meet the full cost of the services.~~

(h) ~~(i)~~ All appropriate social services in the Comprehensive Annual Services Program Plan which are necessary to protect runaways harmed or threatened with harm.

(i) ~~(j)~~ Emergency homemaking services not to exceed 30 cumulative days in any 12-month period.

(j) ~~(k)~~ Money management services.

(5) Eligibility for other social services in the Comprehensive Annual Services Program Plan which are directed to this goal shall be established on the basis of income maintenance status, income status, or group eligibility.

6. ~~7.~~ Family planning services.

a. Title XX federal financial participation shall be available for family planning services provided at the option of the local social services agency to minors (under age 18) who voluntarily request such services.

b. When a minor requests family planning services, he shall be informed that his parents need not be contacted in order for him to receive services. The local social services agency shall contact the minor's parents regarding his receipt of family planning services only with the written consent of the minor.

7. ~~8.~~ Household:

a. The following individuals living in the same domicile shall be considered a household for purposes of determining eligibility for Title XX funding:

(1) Spouses.

(2) Parents and their dependent children under age 18.

b. Household members (parents and their children under age 18) temporarily absent from the household in settings such as residential treatment, foster care, and school shall be considered members of the household.

c. The following individuals shall be considered a one-person household for purposes of determining eligibility for Title XX:

(1) An adult living alone.

(2) An adult living with individuals other than a spouse or dependent children.

(3) A child living with a relative other than a parent or legal guardian.

(4) An emancipated minor. For purposes of determining Title XX eligibility ~~this section~~, an emancipated minor is an individual under the age of 18:

(a) Who has married; or

(b) Who is living apart from his parents and managing his own financial affairs; or

(c) Who is seeking one or more of the following Title XX services—family planning, health services, residential treatment for chemical dependency, or counseling related to pregnancy, venereal disease or chemical dependency—and has:

(i) Born a child; or

(ii) Wishes to determine the presence of or treat pregnancy, venereal disease, or chemical dependency.

(5) A child whose parental rights are terminated.

(6) A child living in adoptive placement prior to finalization of the adoption.

(7) A child who is not living with his parents or legal guardian and who is seeking confidential services (social services related to determining or treating pregnancy, venereal disease, alcohol and other drug abuse as provided for in Minn. Stat. § 144.343).

(8) A minor child regardless of living arrangement who receives family planning services as specified in H. 7. of this rule.

(9) A child who is not living with his parents but whose parents are under a juvenile court order to contribute to his support as a result of a finding of dependency, neglect, or delinquency.

8. ~~9.~~ Determination of eligibility for Title XX federal financial participation.

a. Different methods of determining eligibility for Title XX funds may be implemented for different services, categories of individuals, and geographic areas.

b. Through official county board of commissioners ~~welfare~~/human services board action, each geographic area shall establish methods of determining eligibility.

c. At a minimum, such method shall be the declaration method, with the exception that when a local social services agency has reason to believe a client is giving false information, the agency may then require the client to document the information.

d. When the documentation method is used:

(1) Federal financial participation shall be available only to meet the cost of services provided to clients whose income maintenance status or household monthly gross income has been documented.

(2) Adequate documentation shall include written evidence of income maintenance status or household monthly gross income in addition to the signed application and income declaration forms. This written evidence shall include either:

(a) A copy of a source document filed in the case record; or

(b) A written statement by the worker which specifies the content of the source document.

(3) Failure on the part of an applicant to cooperate in documenting income shall be acceptable grounds for delay beyond 30 days in processing an application or denial of eligibility for Title XX federal financial participation in services requested.

(4) Contact with other individuals or agencies shall be made only with the prior written permission of the applicant and shall be made only when there is no other way to document income.

(5) If an applicant declares that income is received as cash without a receipt, the local social services agency shall request the client to secure a receipt from the employer.

(6) If documentation cannot be obtained in any other manner, the local agency shall contact the employer, after gaining the written permission of the applicant. If a purchase of service contract permits the vendor to document eligibility and if contact with a third party is necessary, the vendor shall inform the applicant that the applicant has the right to have the local social services agency, rather than the vendor, make the contact.

e. Applicant declaration of household size shall be accepted without documenting evidence, unless there is reason to question the declaration, in which case birth certificates or other documentation is required.

f. Time period for determination of eligibility for Title XX federal financial participation:

(1) Income maintenance status shall be based on the month of application for services or the month prior to application for services.

(2) Household monthly gross income shall be based on either:

(a) Prospective monthly gross income for the month in which application for services is made; or

(b) An average monthly amount estimated over any six (6) consecutive month period in which the month of application is included.

g. An individual shall remain eligible for a maximum of six months from the date eligibility was initially determined. Eligibility may be redetermined at any time by the local social services agency.

EXCEPTION: Eligibility shall be redetermined annually for individuals whose household monthly gross income is derived exclusively from pensions, Social Security, or Supplemental Security Income, or a combination of these.

9. ~~10.~~ Social services fee.

a. When Title XX federal financial participation is claimed for service provided to individuals and families who are income eligible without a fee, no social services fee shall be charged to the client.

b. When a local social services agency wishes to claim federal financial participation for services provided to individuals and households who are income eligible with a fee, a social services fee shall be charged according to the statewide fee schedule in the Comprehensive Annual Services Program Plan.

c. Local social services agencies shall make a reasonable effort to collect fees charged. Evidence of a reasonable effort shall exist if the local social services agency documents that at least 90% of the fees imposed have been collected. If this test cannot be documented, then a reasonable effort shall exist if the following conditions are met and documented:

(1) A bill is rendered or notice given to the client at the time of eligibility determination of the fee amounts and dates due; and

(2) At least three collection notices are given in person or by mail to the client, at approximately 30-day intervals; and a client's Title XX eligibility has been terminated if the fee remains delinquent after three collection notices have been given. A client's Title XX eligibility cannot be regained until a plan of payment has been agreed upon and implemented by the client and the agency.

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d. The fee charged shall be the amount indicated on the appropriate fee schedule, in the Comprehensive Annual Services Program Plan, except that no fee shall exceed the actual cost of all the services in the service plan.

(1) Fees for residential services for emotionally disturbed, mentally retarded, and epileptic children shall be consistent with Minnesota cost of care laws and rules.

(2) When services are being provided in addition to residential services for emotionally disturbed, mentally retarded and epileptic children, two fees shall be computed and imposed, one for residential services and one for all other services received.

10. ~~44~~. Purchase of service contracting.

a. General provisions.

(1) The local social services agency shall deliver social services subject to federal financial participation under Title XX by direct delivery, by purchase, or by arranging the services at no cost to the agency.

(2) As an alternative to providing such services directly and if not available without cost to the agency, the local social services agency may purchase services from public, non-profit or proprietary agencies, or from individuals who have been designated as approved vendors.

(3) Services purchased with the intention of claiming federal financial participation must be listed in the Comprehensive Annual Services Program Plan.

(4) At the option of the local social services agency, these same policies and procedures may be utilized for purchased services not subject to federal financial participation.

b. Administrative requirements.

(1) The local social services agency shall:

(a) Claim federal financial participation only for services purchased through a written contract. Every purchase of service contract shall be completed, signed and approved by the county ~~welfare board of commissioners~~ or human services board prior to the provision of services.

(b) Be responsible for client eligibility for purchased services; however, the local agency may make provision in the contract for the provider to make a determination of eligibility.

(c) Be responsible for the development of a client service plan based on the needs of the individual and the ability of the provider to meet those needs.

(d) Be responsible for monitoring purchased services and evaluating contract performance.

(e) Purchase only from approved vendors.

(2) Case record requirements for direct services shall apply to purchased services.

(3) The local social services agency shall maintain an administrative file for each contract which contains:

(a) A copy of the signed and completed contract.

(b) Copies of correspondence between the provider and the local agency.

(c) Evidence that the determination of reimbursement eligibility and authorization of approval of client social services plan have been made.

(d) Copies of monitoring and evaluation reports.

(e) Copies of correspondence between the local agency and the state agency related to the contract.

(f) Copies of fair hearings, complaints, grievances, and inquiries related to contract performance.

(g) Financial, statistical, and social services reports specified in the contract.

c. Host county contracting.

(1) The local social services agency of the county in which an approved provider is located shall negotiate and administer host county purchase of service contracts on behalf of any other local social services agency wishing to purchase services, provided, however, that if a local social services agency (host county) does not want to comply with this provision because it is being required to administer (for another local social services agency) a host county purchase of service contract 1) with a provider who has not complied with the conditions of past or present contracts, or 2) with a provider whose previous contract with the host county was terminated for failure to provide adequate service, the host county local social services agency may refuse to enter into such a contract.

(2) All local social services agencies shall abide by the terms of the host county contract.

(3) The host county shall assume responsibility for monitoring and evaluation of the contract.

(4) The host county shall make available, on the request of other local social services agencies, copies of the host county contract.

(5) The following exceptions apply:

(a) The host county need not enter a contract unless there is at least one other local agency wishing to purchase from the provider; and

(b) Each local social services agency within the area served by a community mental health board authorized by M.S. 245.61-245.69 ~~an Area Mental Health Board~~ may contract directly with the Area board; however, if a local social services agency outside of the geographic area served by the Area board wishes to purchase services, the host county policy applies.

d. Technical assistance—The local social services agency shall provide technical assistance and information to potential providers, draft contracts for purposes of negotiation, and assist providers in matters of record-keeping, statistical reporting, and determination of rates of payment.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Revisions to Occupational Safety and Health Codes

Request for Public Comment

Please take notice that Harry D. Peterson, Commissioner of the Minnesota Department of Labor and Industry, has determined that the following revisions to the Occupational Safety and Health Codes shall be promulgated pursuant to Minn. Stat. § 182.655 (1978) establishing, modifying, or revoking Occupational Safety and Health Codes as printed below.

Copies of the specific Occupational Safety and Health standards, changes, additions, deletions, and corrections are available by writing: Deputy Commissioner, Minnesota Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101.

Copies of the 1978 National Electrical Code and ANSI A17.1-1978 are available for review by contacting the Deputy Commissioner of the Minnesota Department of Labor and Industry at the above address. Copies of the National Electrical Code may be purchased by writing to: State Board of Electricity, 1954 University Avenue, St. Paul, Minnesota 55104 (Price: \$6.50). Copies of ANSI A17.1-1978 may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 (Price: \$34.00).

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the rules proposed. Any interested person may file with the commissioner written objections to the proposed rules stating the grounds therefor and such person may request a public hearing on such objections.

Harry D. Peterson
Commissioner

Rules as Proposed

A. Adoption of Federal Occupational Safety and Health Standards by Reference. In 1973, the Minnesota Department of Labor and Industry adopted by reference Parts 1910, 1926, 1915, 1916, 1917, and 1918 of Title 29 of the Code of Federal Regulations as published in May, 1973 and made them part of the Minnesota Occupational Safety and Health Rules and Regu-

lations. In 1975, these Rules and Regulations were amended to incorporate by reference the June 1974 edition of those Parts of Title 29 of the Code of Federal Regulations. Since that time, the Federal Occupational Safety and Health Administration has adopted numerous changes, additions, deletions, and corrections to those standards. The Department of Labor and Industry Occupational Safety and Health Division has, on a semi-annual basis, proposed the adoption of those changes in the Federal Occupational Safety and Health Standards by publication of a "Request for Comment" notice in the *State Register*. These notices described the specific changes, deletions, additions, and corrections proposed for adoption by Minnesota and allowed a 30-day comment period. Following the completion of the comment period, an adoption notice was published in the *State Register*. However, MOSHC 1 (8 MCAR § 1.7001) has not been updated. The purpose of this notice is to perform this "housekeeping" activity and revise MOSHC 1 (8 MCAR § 1.7001) to incorporate those changes, deletions, additions and corrections made prior to February 1, 1980.

MOSHC 1 (8 MCAR § 1.7001)—Adoption of Federal Occupational Safety and Health Standards by reference.

The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and Rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910—Occupational Safety and Health Standards as published in Part II, Volume 39 43, No. 125 206 of the *Federal Register* on June 27, 1974 October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions and corrections made up to June 3, 1974 November 7, 1978; and subsequent changes made prior to February 1, 1980:

Federal Register, Vol. 43, No. 234, dated 12/5/78—"Corrections to 1910.1043—Occupational Exposure to Cotton Dust."

Federal Register, Vol. 43, No. 234, dated 12/5/78—"Corrections to 1910.1046—Occupational Exposure to Cotton Dust in Cotton Gins."

Federal Register, Vol. 43, No. 237, dated 12/8/78—"Corrections to Tables of Exposure Limits for Air Contaminants—1910.1000."

Federal Register, Vol. 43, No. 220, dated 11/14/78—"Lead Standard—1910.1025."

Federal Register, Vol. 44, No. 19, dated 1/26/79—"Corrections to Lead Standard—typographical."

Federal Register, Vol. 44, No. 50, dated 3/13/79—"Modifications to Lead Standard—Portions of Standard Stayed."

Federal Register, Vol. 44, No. 168, dated 8/28/79—"Corrections to Lead Standard—Exemption of Construction Industry."

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PROPOSED RULES

Federal Register, Vol. 44, No. 138, dated 7/17/79—"Occupational Exposure to Chlorine—Lifting of Stay."

Federal Register, Vol. 44, No. 206, dated 10/23/79—"Appendices to Lead Standard."

Federal Register, Vol. 44, No. 232, dated 11/30/79—"Corrections to Appendices to Lead Standard."

Federal Register, Vol. 45, No. 20, dated 1/29/80—"Servicing Multi-Piece Rim Wheels—1910.177."

Part 1926—Construction Safety and Health Regulations as published in Part II, VII, Volume 39-44, No. 422-29 of the Federal Register on June 24, 1974 February 9, 1979 which incorporates changes, additions, deletions and corrections made up to June 3, 1974 October 17, 1978 and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work.

Parts 1915, 1916, 1917, and 1918—Safety and Health Regulations for Maritime Employment as published in Part II, Volume 39, No. 119 of the Federal Register on June 19, 1974 which incorporates changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes made prior to February 1, 1980:

Federal Register, Vol. 42, No. 141, dated 7/22/77—"Commercial Diving Operations—which added sections 1915.59, 1916.59, 1917.59, and 1918.99."

Federal Register, Vol. 43, No. 88, dated 5/5/78—"Occupational Exposure to Benzene—supersedes previous standards included in Parts 1915, 1916, 1917, and 1918."

Part 1928—Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the Federal Register on April 25, 1975 and subsequent changes made prior to February 1, 1980:

Federal Register, Vol. 41, No. 206, dated 11/22/76—"Non-substantive changes to guarding of farm field equipment."

Federal Register, Vol. 42, No. 141, dated 7/22/77—"Excludes commercial diving operations standards from agricultural applicability."

Federal Register, Vol. 42, No. 146, dated 7/29/77—"Excludes air contaminant standards from agricultural operations."

Federal Register, Vol. 43, No. 122, dated 6/23/78—"Occupational Exposure to Cotton Dust in Cotton Gins—amends 1928.21 by adding paragraph (a) (5)."

Federal Register, Vol. 43, No. 127, dated 6/30/78—"Occupational Exposure to Cotton Dust in Cotton Gins—corrections of errors in 1928.21 and 1928.113."

Federal Register, Vol. 43, No. 153, dated 8/8/78—"Occupational Exposure to Cotton Dust in Cotton Gins—correction of errors in 1928.113."

Federal Register, Vol. 43, No. 234, dated 12/5/78—"Occupational Exposure to Cotton Dust in Cotton Gins—corrections to Appendix C."

B. National Electrical Code. The Federal Occupational Safety and Health Administration standard which has been adopted by the Minnesota Occupational Safety and Health Division incorporates the 1971 edition of the National Electrical Code. This code is specifically and extensively referred to in Sections 29 CFR 1910.309 and 29 CFR 1926.400. There have been two later editions of this National Electrical Code which reflect the present state-of-the-art and provide additional clarifications. This notice hereby proposes the adoption of the 1978 edition of the National Electrical Code. This action will eliminate the present conflict with the Minnesota Department of Administration's Building Codes Division and the Minnesota State Board of Electricity which have adopted, and are enforcing, the 1978 edition of the National Electrical Code.

C. Elevator Safety Codes. The Minnesota Department of Labor and Industry has adopted the 1971 edition of the American National Standard Institute Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1971. The 1978 version incorporates recommended changes in the standards and covers several additional areas that were not covered in the earlier edition. With the adoption of this 1978 edition of ANSI A17.1, it will be possible to eliminate some exceptions and amendments that were included in the Minnesota Occupational Safety and Health Codes. Other changes are made to assure similarity with the elevator codes adopted by the Minnesota Building Codes Division at their public hearing in October, 1979. The proposed additions, deletions, changes and corrections to 8 MCAR §§ 1.7100-1.7119 "Elevators, Dumbwaiters, Escalators and Moving Walks" and to 8 MCAR §§ 1.7120-1.7129 "Platform Manlifts" are as follows:

Chapter Eight: 8 MCAR §§ 1.7100-1.7119 Elevators, dumbwaiters, escalators and moving walks.

8 MCAR § 1.7100 General provisions.

A. Scope.

1. The matters covered in this code shall include regulations for passenger elevators, freight elevators, hoists, lifts, dumbwaiters, moving stairways, moving walks, or any mechanical device or apparatus, permanently installed and fixed in position in any building or structure except private residences, for the purpose of conveying people, animals, vehicles, merchandise, building materials or any other load regardless of whether said load is to be conveyed above or below the grade line.

2. The regulations given herein shall apply to the construction, installation, alteration and operation of all such installations listed in 8 MCAR § 1.7100 A.1. of this section, which are hereafter constructed, installed, or altered within the limits of the State of Minnesota: after July 1, 1980.

B. Definitions.

1. An existing elevator installation or moving stairway shall mean one on which construction was begun prior to the effective date of this code July 1, 1980.

2. A new elevator or moving stairway installation shall

mean one on which construction was begun ~~subsequent to the effective date of this code~~ after July 1, 1980.

C. Existing installations.

1. All existing installations may be continued in service as long as they are properly maintained and are, ~~in the opinion of the administrative authority~~, installed and maintained in a safe condition. ~~The administrative authority may order the installation of car gates, car tops, and the car walls extended to the car top on all existing installations.~~ The administrative authority Department of Labor and Industry shall have the authority to shut down any piece of equipment covered by this chapter, which ~~in his opinion~~ is dangerous to life, limb and adjoining property, and such equipment shall not be put back into operation until such unsafe condition has been corrected and approved by the administrative authority Department of Labor and Industry. Specific requirements for existing installations are:

a. Car gates. A door or gate shall be provided at each entrance to the car.

b. Car tops. Tops of car enclosures shall be so designed and installed as to be capable of sustaining a load of three hundred (300) pounds on any square area two (2) feet on a side and one hundred (100) pounds applied at any point. Simultaneous application of these loads is not required.

c. Car walls. All sides of the elevator car, except the sides used for entrance and exit, shall be permanently enclosed.

d. Hoistway enclosure. Hoistways shall be enclosed throughout their height with material equivalent to the rest of the building construction.

e. Hoistway entrance guarding. All elevator hoistway landing openings shall be provided with entrances which shall guard the full width of the opening to not less than seventy-two (72) inches in height.

f. Locking devices. Passenger and freight elevators shall be equipped with hoistway-unit system hoistway door interlocks.

g. Car door or gate electric contacts. Car doors or gates shall be provided with electric contacts conforming to Rule 111.5 of ANSI A17.1-1978.

h. Non-crushing astragals. A fire resistive, non-shearing, and non-crushing member of either the meeting or overlapping type shall be provided on the upper panel of vertical opening hoistway doors to close the space between the rigid door sections when in contact with the stops.

i. Car safety and speed governors. The car of every elevator suspended by wire rope shall be provided with a car safety device attached to the lower member of the car frame. On all elevators where travel exceeds two stories or 15 feet, car safeties shall be activated by speed governors.

j. Operating devices. All operating devices shall be of the enclosed electric type. Rope or rod operated devices activated by hand, or rope operating devices activated by wheels, levers or cranks, shall be removed. Exception: This shall not be considered a material change.

2. Any installation, which is materially changed ~~subsequent to the date of enactment of this code~~, after July 1, 1980 shall comply with all of the requirements covering a new installation. A material change shall be defined as any change which moves the location, increases or decreases the length of travel, changes the type of operation, increases the speed or carrying capacity or changes the types of power supply of an existing installation.

3. Any installation, whether new or existing, which shall become damaged, defective or worn by fire or other causes including ordinary wear to such an extent that, ~~in the opinion of the administrative authority~~ it becomes dangerous to life, limb and adjoining property, ~~such installations shall be repaired or rebuilt in conformity with the provisions of this chapter for new installations. Such equipment shall, if in the opinion of the administrative authority it is found necessary to protect life, limb and property,~~ be taken out of service until such unsafe condition has been removed.

8 MCAR § 1.7101 Inspections, tests and approval.

A. Approval of plan. Any person, firm or corporation desiring to install, relocate, alter materially or extend any installation covered by this chapter shall be required to obtain approval for so doing from the ~~administrative authority~~ Department of Labor and Industry.

B. Inspections and tests. It shall be unlawful for any person, firm or corporation to put into service any installation covered by this chapter whether such installation is newly installed, relocated, or altered materially without such installation being inspected and approved by the ~~administrative authority~~ Department of Labor and Industry. The installer of any equipment included in this chapter shall notify the ~~administrative authority~~ Department of Labor and Industry seven days prior to completion of the installation for such inspection. The ~~administrative authority~~ Department of Labor and Industry shall have the authority to require ~~such tests as he may deem~~ necessary to prove the safe operation of any installation providing these tests meet the requirements as outlined in ANSI A17.1 ~~1974~~ 1978 and supplements.

C. Approval. A certificate or letter of approval shall be issued by the ~~administrative authority~~ Department of Labor and Industry for such installation when the entire installation is completed in conformity with this chapter. The entire installation shall include all enclosures or shafts, gates, doors, machinery safety and control devices and all other appurtenances necessary.

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PROPOSED RULES

8 MCAR § 1.7102 Accidents.

A. To be reported. The owner or person in control of an elevator or other installation covered by this chapter shall promptly notify the ~~administrative authority~~ Department of Labor and Industry of any accident to person or apparatus, on, about or in connection with such elevator or other installation, and shall afford the ~~administrative authority~~ Department of Labor and Industry every facility for investigating such accident and the damage resulting therefrom. Notification may be given to the ~~administrative authority~~ Department of Labor and Industry by telephone or verbally, but such notification shall be confirmed in writing.

B. Investigation. The ~~administrative authority~~ Department of Labor and Industry shall make or cause to be made an investigation and the report of such investigation shall be placed on file in ~~his office~~ the office of the Department of Labor and Industry. Such report shall give in detail the cause or causes, so far as they can be determined, and such report shall be open to public inspection.

C. Operation discontinued. When an accident involves the failure or destruction of a part of the installation or the operation mechanism, the elevator or other installation shall be taken out of service and shall not be used again until it has been made safe and such reuse approved by the ~~administrative authority~~ Department of Labor and Industry. The ~~administrative authority~~ Department of Labor and Industry may, if deemed necessary, order the discontinuance of operation of any such elevator or installation until a new certificate of approval has been issued.

D. Removal of parts restricted. No part of the damaged installation, construction or operating mechanism shall be removed from the premises until permission is granted by the ~~administrative authority~~ Department of Labor and Industry.

8 MCAR § 1.7103 Elevators, dumbwaiters, escalators and moving walks.

A. Applicable standards. The ~~eighth~~ ninth edition of the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1971-1978, including supplement A17.1a-1972-1979, A17.1b-1973, A17.1c-1974, A17.1d-1975, A17.1e-1975, A17.1f-1975, and A17.1g-1976 as amended, is hereby incorporated by reference and made a part of these Minnesota Department of Labor and Industry Occupational Safety and Health Rules. ~~All references in ANSI A17.1-1971 to the National Electrical Code ANSI C-1-1976 shall be changed to read, "National Electrical Code, ANSI C-1-1971 (NFPA 70-1971)."~~

8 MCAR § 1.7104 Exceptions and amendments to ANSI A17.1.

A. Winding drum machine. Winding drum machines shall not be permitted on new elevator installations nor as replacements on existing installations.

B. Swing doors. Horizontal swing doors, either single section or center opening two section, shall not be permitted on new

elevator installations nor as replacements on existing installations ~~if~~ unless the conditions are such as to make it impossible to install other than swing doors.

C. Side exits. Side emergency exits on elevator cars shall not be permitted.

D. Solid bumpers. Solid bumpers shall not be permitted on new installations nor as a replacement on existing installations.

~~E. Clearance. The minimum pit depth shall be not less than three (3) feet. Overhead clearance shall be not less than two (2) feet with piston in stop ring and in no case less than three (3) feet when car is leveled at top landing.~~

~~E. F.~~ Door unlocking devices. Hoistway door unlocking devices shall not be permitted except at the bottom landings.

1. Top and bottom landings shall be provided with hoistway access switches conforming to Rule ~~11.9b~~ 111.9b and 111.9c of ANSI A17.1-~~1971~~ 1978.

2. The door at the lowest landing shall be provided with a special key not easily duplicated and said key shall be available only to elevator mechanics and inspectors. The interlocks shall be designed and adjusted as to prevent movement of the car until after the door is closed and in the locking position.

3. Access to hoistways for emergency purposes.

~~a. The elevator shall have hoistway doors which are unlocked when closed with the car at floor, or locked but openable from landing by means effective only when car is in landing zone.~~

~~a. b.~~ The operating means for unlocking ~~the~~ hoistway doors shall be kept on the premises by the person responsible for the maintenance and operation of the elevators in a location readily accessible to qualified persons in case of an emergency but where they are not accessible to the general public.

~~F. G.~~ Door openings. Elevator doors shall provide a clear opening of at least 32 inches.

~~G. H.~~ Door closing speed. Automatic closing doors shall have a closing interval of not less than 3 seconds except center opening horizontal slide doors.

~~I. Emergency elevators. At least one elevator must be provided for fire department emergency access to all floors.~~

H. Emergency elevators. In each lobby served by elevators complying with ANSI Rule 211.3 of the elevator code identified as ANSI A17.1-1978, all automatic-operation elevators serving three or more stories above or below the main floor or having a travel of twenty-five (25) feet or more above or below the main floor, at least one elevator car serving all floors in a building shall have a platform size that is standard for the elevator supplier, and capable of accommodating an ambulance stretcher in its horizontal position. The opening to the elevator car shall be capable of passageway for such ambulance stretcher.

~~I. J.~~ Height of call buttons. Exterior elevator call buttons shall be placed not higher than ~~42~~ sixty (60) inches above the

floor. No emergency stop switch, door opening and door closing buttons, or elevator floor buttons shall be placed higher than ~~48~~ sixty (60) inches above the floor.

~~K. Standby power. In every building over one story and more than 75 feet in height, emergency power shall be provided for at least one elevator in each bank. This emergency power shall be automatically transferable to any other elevator in the bank and shall be capable of operating the elevator with a full load at contract speed or not less than 150 feet per minute. Emergency power shall be provided by a loss of power in the normal power supply. The generator shall be in a separate room having at least a one-hour fire resistive occupancy separation from the remainder of the building and shall have a fuel supply adequate to operate the equipment for two hours. See UBC Standards 18-1.~~

J. Standby power. In every building over one story and more than 75 feet in height, emergency power shall be provided for at least one passenger elevator in each bank. This emergency power shall be transferable to any other elevator in the bank and shall be capable of operating the elevator with a full load at contract speed or not less than 150 feet per minute. Emergency power shall be provided by an approved self-contained generator set to operate whenever there is a loss of power in the normal power supply. The generator shall be in a separate room having at least a one-hour fire resistive occupancy separation from the remainder of the building and shall have an on-site fuel supply adequate to operate the equipment for two hours. See Uniform Building Code Standard 18-1.

K. L. Emergency communications. Every elevator car shall be provided with a two-way communication system connected to an approved emergency service which operates 24 hours every day.

~~M. Operating devices. All operating devices shall be of the enclosed electric type. Rope or rod operated devices activated by hand, or rope operating devices activated by wheels, levers or cranks, shall be removed. Exception: This shall not be considered a material change.~~

L. N. Illumination. A guarded light and convenience outlet shall be provided on the top and underside of each elevator car.

M. O. Limited use of an elevator. When a building or structure is to be equipped with one or more elevators, at least one of such elevators may be approved for limited use prior to the completion of the building or structure. The use of such elevators may be permitted by the administrative authority Department of Labor and Industry under the authority of a limited permit issued by him for each class of service. Such limited permit shall specify the class of service permitted and it shall not be issued until the elevator has been tested with rated load and the car safety and terminal stopping equipment has been tested to determine the safety of the equipment and until permanent or

temporary guards or enclosures are placed on the car and around the hoistway and at the landing entrance on each floor. Landing entrance guards shall be provided with locks that can be released from the hoistway side only. Automatic and continuous pressure elevators shall not be placed in a temporary operation from the landing push buttons unless door locking devices and/or interlocks are installed and operative.

~~P. Access to elevator pits. A pit ladder shall be provided for each elevator in all pits where access is from the bottom landing. Access to elevator pits which extend more than eighteen (18) inches below the sill of the pit access door shall have a pit ladder as required.~~

N. Q. Dumbwaiters and handpowered elevators. All dumbwaiters and handpowered elevators shall be equipped with a broken rope safety device.

O. R. Car safety mechanism switch. Car safety mechanism switches shall be of the manually reset type.

P. S. Hoistway door protection in passenger elevators. Hoistway doors on all passenger elevators shall not be solely dependent upon the door edge reopening device for protection from the doors closing on an obstruction, but shall also be provided with an approved light beam or electronic door protection device.

Q. T. Emergency keys. All keyed switches installed to operate elevators on emergency service will be required to be keyed alike to a pattern approved by the administrative authority Department of Labor and Industry. In lieu of the above, keys for emergency elevator service may be in a metal box placed in a location approved by the administrative authority Department of Labor and Industry, provided said box is locked with a 5-pin tumbler core lock or equivalent which is keyed to the same pattern.

U. Amendment to ANSI Supplement A17.1(b) 1973.

1. Rule 211.3a 1 to read as follows: "One (1) car in each bank of automatic operation elevators serving three (3) or more landings or having a travel distance of twenty five (25) feet or more shall be provided with emergency service controls as specified in rule 211.3a 4 of this supplement.

2. Rule 211.3a 2 Reference to NFPA Standard No. 72d shall be the 1972 edition and NFPA Standard No. 13 shall be the 1973 Edition.

R. One (1) car in each bank of automatic-operation elevators serving five (5) or more floors above or below the main floor or having a travel of fifty (50) feet or more above or below the main floor shall meet the requirements of Rule 211.3a of ANSI A17.1-1978.

S. Vents required. Hoistways of elevators serving more than three (3) floors shall be provided with means for venting smoke

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and hot gases to the outer air in case of fire. Vents may be manually openable or remote control automatic vents. They shall be located in the wall or roof of the penthouse or overhead machinery space above the roof. Vents passing through machine rooms must be in non-combustible ducts. When a vent is installed in the roof of the hoistway, a protective grill shall be provided to prevent persons from falling into hoistway.

8 MCAR § 1.7105 Stage and orchestra lifts. Stage and orchestra lifts shall be designed, installed, constructed and maintained so as to be reasonably safe to life, limb and adjoining property and shall be approved by the ~~administrative authority~~ Department of Labor and Industry prior to installation or construction.

8 MCAR § 1.7106 Mechanized parking garage equipment. Mechanized parking garage equipment shall be designed, constructed, installed and maintained so as to be reasonably safe to life, limb and adjoining property, shall conform to the standards specified in the American Standard Safety Code for Mechanized Parking Garage Equipment ANSI A113.1-1964 (R1971).

8 MCAR § 1.7107 Wheelchair elevating devices. Wheelchair elevating devices shall conform to the requirements of State Building Code, Section IV, 2 MCAR §§ 1.18811 through 1.18813.

8 MCAR §§ 1.7107 1.7108-1.7119 Reserved for future use.

Chapter Nine: 8 MCAR §§ 1.7120-1.7129 Platform manlifts.

8 MCAR § 1.7120 General requirements.

A. Installation limitations. Subject to the approval of the Department of Labor and Industry, manlifts may be installed in buildings where such manlifts are not accessible to the public and where their installation and use are safe. Such manlifts shall comply with the safety requirements set out in this section.

1. The use of manlifts shall be restricted to employees and authorized persons who are trained in their use. New employees shall be individually and properly instructed in the use of manlifts.

2. The area adjoining the floor opening shall be kept clear and adequately lighted at all times.

3. Signs shall be posted at a conspicuous position on each landing, at approximately eye level, indicating "Authorized Personnel Only."

B. Approval. Before final approval, an inspection of each new or relocated manlift shall be made by the Department of Labor and Industry.

C. Types of manlifts. Manlifts may be of the following types:

1. ~~Manual elevator platform type;~~ Hand powered platform passenger type manlifts;

2. ~~Powered operated elevator platform type.~~ Special purpose personnel elevators.

8 MCAR § 1.7121 Hand powered platform passenger type manlifts. Hand powered platform passenger type manlifts shall conform to the following requirements:

A. Sill clearance. The clearance between the platform and the landing shall be not more than 1½-inch nor less than ¾-inch.

B. Guarding of access openings. Access openings shall be guarded by semi-automatic vertical sliding gates or by self-closing swing gates. Such gates shall be equipped with a top crossmember not less than 42 inches above the floor, a bottom crossmember not more than ½-inch above the floor, and with at least one intermediate crossmember. The gates shall be placed within 4 inches horizontally from the landing sill.

C. Shaftway enclosures. All unused sides of the shaftway shall be enclosed to a height of at least 8 feet above the floor.

D. Ladders. A fixed ladder shall be installed in the shaftway accessible from the manlift at any point within its travel to provide a means of exit from the elevator hatchway.

E. Car sides. The car shall be enclosed to a height of at least 42 inches on all sides not used for entrances.

F. Car construction. Car frames and platforms shall be of metal or sound-seasoned wood designed with a safety factor of not less than four (4) for metal construction and six (6) for wood construction based on the rated load uniformly distributed. Connections between frame members of the car frame and platform shall be riveted, bolted, or welded.

1. Glass shall not be used on any part of the frame or enclosure.

G. Counterbalancing of cars. Cars counterbalancing each other shall not be permitted.

H. Car safety device. All cars shall be provided with a car safety device attached to the top or bottom of each car frame capable of stopping and sustaining the car and its rated load. The car safety device is not required to be operated by a speed governor and may be of the instantaneous type operated as a result of the breaking or slackening of the suspension members.

I. Compensating cable. Where the travel exceeds 40 feet, compensating cables or chains properly guided shall be provided.

J. Load capacity.

1. The rated load capacity shall not exceed 300 pounds.

2. Only one person shall be permitted to ride elevator at a time.

3. The movement of freight or materials on elevator is prohibited.

K. Load tests. A rated load test and a test of the car safety device with rated load in the car shall be made on each new or relocated installation before it is placed in service.

L. Guide rails. Cars and counterweights shall be provided with steel guide rails or straight grained seasoned wood free from knots, shakes, dry rot, or other imperfections.

M. Guide rail fastenings. Guide rails shall be securely fas-

tened with throughbolts or clips of such strength, design, and spacing that:

1. The guide rails and their fastenings shall not deflect more than 1/4-inch under normal operation.

2. The guide rails and their fastenings shall withstand the application of the safety when stopping the car with rated load under free-fall conditions.

3. Car and counterweight guide rails shall rest on suitable supports and extend at the top of the hoistway sufficiently to prevent the guide shoes from running off the guide rails in the case of the car on counterweight traveling beyond the terminal landings.

N. Car counterweights. When counterweight sections are used, they shall be secured by at least two tie rods passing through holes in each section. The rods shall have lock nuts at each end secured by cotterpins.

O. Factors of safety. The factor of safety, based on static loads, to be used in the design of driving machines and sheaves shall not be less than eight (8) for wrought iron or rod steel and ten (10) for cast iron or other materials.

P. Car brake. Each car shall be equipped with a manual deadman type brake which operates in either direction of travel and is capable of stopping and holding the car with its rated load at any point in its limit of travel.

Q. Overhead beams. Overhead beams and their supports shall be designed to withstand the static load plus twice the suspended load without deflection exceeding the stress of the materials used.

R. Machine access. Adequate and permanent means of access shall be provided to all equipment for maintenance and inspection.

S. Power driving mechanism. Power driving mechanisms shall not be attached to or made part of any hand powered elevator.

T. Suspension cables. Suspension means shall consist of not less than two wire ropes of not less than 1/2-inch diameter each.

U. Sheaves. All hoisting and counterweight sheaves shall have a diameter of at least 40 times the diameter of the cable passing over them.

V. Cable fastenings. Car and counterweight cable ends, except such fastenings as are required for compensating cables or chains, shall be fastened by passing through tapered and babbitted sockets with the same requirements of those for power elevators or secured by approved clamp or special fastening devices conforming to the following:

1. Clamps shall not be of the U-bolt type.

2. Both members of the clamps shall be provided with seats conforming with the lay of the rope.

3. Clamps shall be drop forgings.

4. Ropes shall be passed around metal thimbles.

W. Operating rope. The operating rope may pass through the car crossheads if a guard to prevent entry of the hand is provided.

X. Car locking devices. A separate locking device, independent of the manual brake, that will hold the car and its rated load at each landing shall be provided. This device may be either manual or automatic.

Y. Counterweight guarding. The counterweight shall be fully enclosed for the full length of its travel, except for an inspection section at the lower limit of travel. The inspection section shall be large enough only to inspect the fastenings and be covered with a screen or mesh which will reject a two-inch ball.

Z. Shaftway illumination. Shaftway illumination shall be adequate to enable the operator to have full view of all obstructions and hazards which might possibly cause injury.

AA. Bumper springs. Bumper springs shall be provided either on the top of the car or on the bottom of the sheave supports and shall be of sufficient strength to absorb the impact of the car and its load.

BB. Car counterbalance weights. If weights are to be used to properly counterbalance car, a suitable box or container shall be mounted firmly in the elevator car to contain such weights while in use.

CC. Car gate. A car gate or guardrail 42" from car floor capable of withstanding a lateral pressure of 250 lbs. without causing structural failure shall be provided.

DD. Pit buffers. Spring buffers of such a design and construction as to absorb the energy of the car with a capacity load shall be provided at the lowest limit of travel.

~~8 MCAR § 1.7122 Powered platform manlifts. Powered platform manlifts may be installed providing they meet all the requirements of power passenger elevators with the following exceptions:~~

~~A. Hoistway doors. Landing openings shall be protected with hoistway doors or gates in conformance with the ANSI A17.1 freight elevator requirements.~~

~~B. Hoistway door interlocks. Interlocks or electromechanical locks shall be provided in accordance with freight elevator requirements.~~

~~C. Rule exception. An exception in paragraph (2) of Rule 110.1 ANSI A17.1 is acceptable providing the following requirements are met:~~

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike-outs** indicate deletions from proposed rule language. **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."

PROPOSED RULES

~~1. Emergency escape hatch on top of the car can be opened from the inside of the car.~~

~~2. A manual reset type switch is provided in the emergency escape hatch.~~

~~3. Steel ladder located totally within the hoistway shall be provided the full length of the manlift travel.~~

~~D. Hoistway enclosures shall extend to a height of at least 10 feet and shall be of noncombustible material supported and braced so as to deflect not more than 1 inch when subjected to a force of 100 lbs. applied horizontally at any point.~~

~~1. Unperforated metal enclosures shall be equal to or stronger than No. 18 U.S. gauge sheet metal.~~

~~2. Open work enclosures shall reject a ball 1 inch in diameter and shall be either wire grill at least No. 13 steel wire gauge or expanded metal at least No. 13 U.S. gauge.~~

~~3. When hoistway enclosure does not extend full length of travel, the car gate or door shall be provided with a mechanical lock which will allow the gate or door to be opened only in the landing zone.~~

~~E. Hoistway doors. Single section swing hoistway doors are allowed.~~

~~F. Hoistway venting. Hoistway venting is not required.~~

~~G. Pipes in hoistway. Grain spouts and electrical conduit may be installed in the hoistway provided there is ample clearance to car and counterweights (steam, hot water, air and flammable or toxic gas pipes are not allowed).~~

~~H. Pit ladders. Pit ladders are not required in pits less than 4 feet in depth.~~

~~I. Car size. The inside net platform area shall not exceed 9 square feet and the rated load shall not exceed 650 lbs.~~

~~J. Car door. Car gate or door shall meet either freight or passenger elevator requirements.~~

~~K. Alarm bell. An alarm bell located in an occupied area shall be provided in addition to the bell mounted on the car. (Voice communications to a 24-hour service is not required.)~~

~~L. Emergency controls. Rule 211.3 of ANSI A17.1 supplement b-1973 does not apply.~~

~~M. Emergency power. Emergency power supply is not required.~~

~~N. Machine access. Safe access to the machine may be provided by means of a permanently installed fixed ladder.~~

~~O. Machine platform. A work platform with standard guardrails and toe boards may be provided in lieu of a totally enclosed machine room.~~

8 MCAR § 1.7122 Special purpose personnel elevators. Special purpose personnel elevators may be installed providing they comply with the requirements included in ANSI A17.1-1978, Part XV, "Special Purpose Personnel Elevators."

8 MCAR §§ 1.7123-1.7129 Reserved for future use.



ROBERT MARSHALL, one of the first Black athletes in the University of Minnesota, was an outstanding end on the varsity football team in 1904, 1905, 1906.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

If an adopted rule differs from its proposed form, language which has

been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Labor and Industry Workers' Compensation Division

Notice of Approval and Effective Date of Workers' Compensation Rules

The Judges of the Workers' Compensation Court of Appeals and the Commissioner of Labor and Industry, as provided in Minn. Stat. § 175.17, paragraph 3, have adopted new rules of practice for the Workers' Compensation Division. The Workers' Compensation Court of Appeals, in accordance with Minn. Stat. § 175.17, paragraph 4, has prescribed new rules of practice before it in appellate matters.

Copies of these rules, which are effective May 19, 1980, may be obtained by contacting the Workers' Compensation Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101, or by telephoning that office at (612) 296-6107.

State Planning Agency Office of Local and Urban Affairs

Adopted Rules for Administering Federal and State Outdoor Recreation Grants

The rules proposed and published at *State Register*, Volume 3, Number 41, pp. 1904-1910, April 16, 1979, (3 S.R. 1904) and amendments published at *State Register*, Volume 4, Number 14, p. 542, October 8, 1979 (4 S.R. 542) are now adopted with the following amendments:

10 MCAR § ~~1.305~~ Trail Grants Program. Renumber as **10 MCAR § 1.3041 Trail Grants program.**

SUPREME COURT

Decision Filed Friday, May 2, 1980

Compiled by John McCarthy, Clerk

49746/181 State of Minnesota vs. Robert Carl Seefeldt, Appellant. Wabasha County.

Assuming for purposes of this decision, but not deciding, that the fourth amendment exclusionary rule applies to evidence derived from a warrantless misdemeanor arrest which is constitutional but which violates state law because the offense was not committed in the arresting

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

SUPREME COURT

officer's presence, we hold that the trial court did not commit constitutional error in refusing to suppress identification evidence challenged as being the fruit of such an arrest.

Without deciding whether the trial court properly suppressed a jacket seized from defendant following his illegal warrantless misdemeanor arrest, we conclude that defendant was not prejudiced when the prosecutor, in reliance upon the court's earlier ruling admitting the jacket, brought the jacket into the courtroom and placed it in open view of the jury.

Trial court, in determining admissibility of testimony concerning pre-trial identification of defendant from police photographs and in admitting police photographs, must exercise great caution because of the possibility that the jury may infer from such evidence that defendant had a prior criminal record. Here it is unlikely the evidence suggested this to the jury and the probative value of the evidence was not substantially outweighed by its potential for unfair prejudice, which was minimal.

Although victim did not see weapon used by defendant, jury was justified in concluding that it was a dangerous weapon, namely a knife, because the victim testified that weapon was sharp and pointed and minor wounds sustained by victim were apparently caused by a knife.

Affirmed. Rogosheske, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any

consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration Department of Natural Resources Department of Transportation Contracts for Real Property Appraisers

The State of Minnesota is establishing a list of qualified real estate appraisers to do contract appraisals for the Departments of Administration, Natural Resources, and Transportation for the period ending June 30, 1981. In developing the list of qualified appraisers, the state invites submittal of resumes from all persons meeting one or more of the following qualifications no later than May 30, 1980.

I. Appraisal Designations: The following designations are seen as evidence of substantial training in the field of Real Estate Appraising. Candidates, Associate members, and non-designated appraisers must show further evidence of experience and proficiency as noted in paragraph II below.

- a. Member of the American Institute (MAI)
- b. Senior Residential Appraiser (SRA), Senior Real Property Appraiser (SRPA), or Senior Real Estate Analyst (SREA).
- c. Accredited Rural Appraiser (ARA)
- d. American Society of Appraisers (ASA)
- e. Other designations with satisfactory evidence of a substantial coursework curriculum in Real Estate Appraising.

II. Non-designated Appraisers:

A. Experience.

Non-designated appraisers with at least two years experience in Real Estate Appraising. Resume should relate the type of appraisal experience along with a listing of clientele.

B. Training.

Non-designated appraisers should have successfully completed one or more of the following courses.

- a. AIREA—Course I, Course IA
- b. SRA—Course 101, Course 201
- c. American Farm Managers and Rural Appraisers—Rural Appraisal
- C. Sample Appraisal.

Any appraiser who has not submitted any appraisals to any Minnesota agencies within the past two years will be required to

submit a sample appraisal done for a client. The sample appraisal is to be examined for compliance with generally recognized appraisal procedures.

III. Certification to a state list of qualified appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, dependent on the qualifications of the appraisers, geographic location, and fee requirements.

Note: Appraisers will be entitled to reject any assignment offered.

The Department of Natural Resources, Bureau of Land, has been designated as the coordinating agency for developing the certified list which will be used by all agencies. A list of the basic standards may be obtained upon written request to the address below.

All resumes and other material or requests should be directed to:

Department of Natural Resources
Bureau of Land
Acquisition and Exchange Section
670 Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 296-7945

Department of Corrections Minnesota Correction Facility, Sauk Centre

Notice of Request for Proposals for Licensed Psychological Services

The Minnesota Correctional Facility, Sauk Centre, requests bids and proposals for licensed psychological services.

The duties are as follows:

- 1) Interview incoming residents (350-450 per year), interpret test data, and complete psychological evaluations.
- 2) Complete supplemental evaluations on residents from the general population on request.
- 3) Consult with institution staff on problem cases, including development of treatment plans, if necessary.
- 4) Provide direct service to selected residents when requested as part of an individual treatment plan.

Services are to be provided at the institution. Approximately 65-80 work days per year are required to provide the required level of service.

Contact Dennis Rykken, Group Living Supervisor, for questions regarding the contract, at (612) 352-2296.

Department of Economic Security Program and Management Support Division, Office of Statewide CETA Coordination

Notice of Request for Proposals for Professional and Technical Auditing Services for CETA Title V Older Americans Act Programs

1. Agency name and address: MN Department of Economic Security, Office of Statewide CETA Coordination, 690 American Building, 160 E. Kellogg Blvd., St. Paul, MN 55101.

2. Contact person: Persons or Certified Public Accounting firms wishing to receive this request for proposals package, or who would like additional information, may call the Contracting Officers Marv McNeff (612) 296-6069 or Jim Markoe (612) 296-4983, or write them at the following address: Office of Audit Coordination, MN Department of Economic Security, Room 200, 390 North Robert Street, St. Paul, MN 55101.

3. Description: An RFP will be issued on or about May 12, 1980, calling for the performance of Financial and Compliance audits at 12 CETA Title V (formerly Title IX) Older Americans Act subgrantees, located in the Twin Cities Metropolitan area and throughout the State of Minnesota.

4. Cost: One or more audit contract awards will be made at an estimated \$8,400.00 in total costs.

5. Final proposal submission date: Proposals must be received by 4 p.m., Tuesday, May 27, 1980.

6. Bidder's Conference: A Bidder's Conference to answer questions from interested CPA firms is scheduled for 10 a.m., on May 16, 1980.

7. Ending date for completion of audit work: The audit reports resulting from the audit work should be completed within sixty (60) days of June 30, 1980.

Metropolitan Council

Notice of Request For Proposals for Emergency Department Nurses Course

The Metropolitan Council is soliciting proposals for the development of an emergency department nurses course. The Council desires to have the services performed for no more than

STATE CONTRACTS

\$25,000. Proposals must be submitted to the Metropolitan Council, Emergency Medical Services Program, 300 Metro Square, St. Paul, Mn. 55101 and must be postmarked no later than 8:00 a.m., May 19, 1980. To obtain a Request for Proposal contact the Metropolitan EMS Program at 291-6427.

Charles Weaver, Chairman
Metropolitan Council

Notice of Request for Proposals for Light Rail Transit Feasibility Study

The Metropolitan Council intends to engage the services of a qualified consultant to evaluate, in selected corridors, the feasibility of Light Rail Transit (LRT). The 1980 Legislature requested that the Council undertake such a study and report its findings and conclusions to the 1981 session.

The consultant will produce working papers which define major operational characteristics of LRT, analyze impact of LRT on land use, analyze LRT interface with other transport systems, evaluate influence of LRT on energy use and the environment, develop ridership forecasts, analyze capital and operating costs, compare LRT with alternatives and identify conditions necessary for LRT feasibility in the Metropolitan Area.

The Council desires to have the services performed for not more than \$150,000.00. Qualified consultants interested in receiving a Request for Proposal should contact:

Ghaleb Abdul-Rahman
Transportation Planning Division
Metropolitan Council
300 Metro Square Building
St. Paul, Minnesota 55101
Telephone: (612) 291-6336

Final submission date for proposals is Tuesday, May 27, 1980.

Charles Weaver, Chairman
Metropolitan Council

Department of Natural Resources Minerals Division

Notice of Request for Proposals to Take Aerial Photographs along Minnesota's Mesabi Iron Range

The Department of Natural Resources is seeking a contractor who can take aerial photographs of an 1100 square mile area in Northeastern Minnesota, during the month of June 1980. Photography shall provide stereoscopic coverage at a scale of 1:15,840 (4 inches = 1 mile) using infrared film.

Estimated amount of the contract is \$20,000.

The deadline for proposals is June 2, 1980. Parties desiring consideration should request a copy of the contract specifications and bid form from:

Paul Pojar
Department of Natural Resources
Division of Minerals
Box 45, Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-4807

Department of Natural Resources Waters Division

Notice of Request for Proposals for Professional Service Contract

This project will determine the feasibility of conducting a state-wide update of development data in areas previously inventoried, collection of physical, regulatory, and development data in areas not previously studied, and an assessment of the effectiveness of implementation of shoreland management controls. Results will be used to plan future program efforts—including budget requests, allocation of personnel, and revisions to work plans and regulations.

Those desiring a more detailed project outline document should contact the Department of Natural Resources representatives listed below.

Estimated Cost: \$25,000
Time: November 28, 1980

DNR Contacts:

Ron Harnack, Supervisor, Land Use Management Section
or
Steve Prestin, Land Use Hydrologist
(612) 296-9226
Division of Waters
Department of Natural Resources
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

All responses must be received by 4:30 p.m. on June 6, 1980.

Notice of Request for Proposal for Professional Service Contract

The project consists of a literature search and analyses of available technology and methodology for flood warning systems which might be applicable to flash flood prone areas of Minnesota. The analyses would include an evaluation of the advantages and disadvantages of various technologies and methodologies as applied to Minnesota. Based on these results a

prototype flood warning system and plan would be developed for Rochester, Minnesota.

Those desiring a more detailed project outline document should contact the Department of Natural Resources representative listed below.

Estimated Cost: \$10,000
Time: November 28, 1980

DNR Contact:

Ronald D. Harnack, Administrator
Department of Natural Resources
Division of Waters
3rd Floor Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Phone (612) 296-9226

All responses must be received by 4:30 p.m. on June 6, 1980.

Department of Public Welfare Support Services Bureau

Notice of Request for Proposal to Research and Develop a Nursing Home Reimbursement Formula

Notice is hereby given that the Support Services Bureau, Department of Public Welfare, is requesting proposals for researching and developing a nursing home reimbursement formula based on a rental concept of payment for property-related costs and a maximum rate of annual increase for all other operating costs. The project includes development and validation of an analytical model to test the effect of different indices, the analysis of different options, the determination of the short-range and long-range fiscal and programmatic impact of each option, recommendations for implementation and a written summary report among other tasks.

The estimated amount of the contract in each of these areas will not exceed \$18,000. Responses must be received by June 2, 1980, no later than 4:30 p.m.

Direct inquiries to:

Maria Gomez
Department of Public Welfare
4th Floor, Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-5724

State Board of Investment Notice of Request for Proposals for Development of An Investment Management/Accounting System

The State Board of Investment is requesting proposals from suppliers of time-sharing services; vendors of small accounting computers or mini-computers; suppliers of software packages to be run at the State of Minnesota, Dept. of Administration, Bureau of Information Systems, or to be run at the State of Minnesota, State Treasurer's Office; or any other vendor who offers a solution that will satisfy the requirements contained in the request for proposal.

The new system will be required to maintain complete asset inventory for all invested assets as well as establish income accounting systems for investments that will include the ability to accrue income, to post receipt of income, and to produce reports of past due items, income collected, and accrued income. The system must also be able to market value all investments in the various portfolios.

All persons inquiring will be sent a Request for Proposal which will give more specifics. Inquiries and formal expressions of interest should be directed to the person named below by June 4, 1980:

Deborah F. Temple
Mn. State Board of Investment
Room 105, MEA Building
55 Sherburne Avenue
St. Paul, Minnesota 55155
(612) 296-3328

All proposals including cost breakdown must be received by the person named above by July 31, 1980.

State Planning Agency Developmental Disabilities Planning Office

Notice of Request for Proposals for Demonstration/Technical Assistance/Training Related to Advocating for the Individual Rights of Persons with Developmental Disabilities

The Minnesota Developmental Disabilities Protection and Advocacy Network of the Developmental Disabilities Planning Office, State Planning Agency is soliciting proposals from public and private non-profit agencies or organizations with the interest and capabilities of addressing one of three one-year projects, starting October 1, 1980:

1. To develop and demonstrate a model for providing advocacy services for developmentally disabled persons residing in community residential settings.

2. To design and conduct specialized training and provide technical assistance to criminal justice personnel throughout Minnesota regarding the needs and rights of developmentally disabled persons who are offenders, alleged offenders, or victims of crimes.

3. To provide training and technical assistance to agencies, organizations and/or community groups throughout Minnesota in order to assist in establishing or improving citizen advocacy (volunteer) programs in their respective communities.

Depending upon the quality of the proposals received, it is anticipated that from one to three projects will be funded between \$25,000 to \$30,000 each.

Proposals must be received no later than June 18, 1980. A complete Request for Proposal and Application may be obtained beginning May 12, 1980, by written request only:

Marylee Fithian, Director
Developmental Disabilities Planning Office
State Planning Agency
200 Capitol Square Building
550 Cedar
St. Paul, MN 55101

State Planning Agency Office of Local and Urban Affairs

Notice of Request for Proposals for Study on the Impact of Actions of Financial Institutions on Intermediate Sized Businesses in Minnesota

The Office of Local and Urban Affairs, Economic Development Planning, announces that it is seeking proposals for a study requested by the legislature to evaluate "whether the limitations of local financial institutions result in hardships to intermediate sized businesses and make recommendations to the legislature of methods to improve the situation if the study finds such hardships."

The study should include detailed case studies of selected intermediate sized firms and detailed interviews with a representative number of financial institutions, as well as a secondary data/information search on the definition of intermediate sized businesses and policies affecting such establishments.

The study should provide the legislature with representative illustrations of capital formation problems, or lack of such problems, among Minnesota's intermediate sized businesses. This exploratory study should provide the basis for reviewing policy alternatives and decisions about further areas of study.

The study is to be completed by December 31, 1980. Costs should not exceed \$30,000. Proposals must be submitted no later than June 16, 1980.

Direct inquiries to:

State Planning Agency
Office of Local and Urban Affairs
Room 200 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Attention: Mary Jo Richardson
(612) 296-5726

OFFICIAL NOTICES

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

either orally or in writing.

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

Department of Agriculture Agronomy Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Labeling and Distribution of Specialty Fertilizers

Notice is hereby given that the Minnesota Department of Agriculture is considering adoption of rules which would govern the labeling and distribution of specialty fertilizers.

The proposed rules are authorized by Minn. Stat. § 17.725, subd. 1. The rules, if adopted, would set standards for the labeling and distribution of specialty fertilizers.

All interested or affected persons or groups are requested to submit information on this subject. Written or oral information, statements or comments should be addressed to:

Gary Braun (612) 296-8379
Agronomy Services Division
Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107

All statements of information and comment must be received by July 1, 1980. Any written material received by this date shall become part of the record on any rules hearing held on this subject.

May 12, 1980

William Bulger, Director
Agronomy Services Division

Department of Corrections Victim Services Division

Funds Available for Sexual Assault Services

The Minnesota Department of Corrections will be awarding approximately \$50,000 this year for the provision of sexual assault services. Priority will be given to underserved geographic areas of the state and other underserved populations. Funds appropriated by the State Legislature are available for implementing programs designed to provide one or more of the

following services: direct crisis intervention and support services to victims of sexual assault; training programs; the coordination of services of existing agencies; community education; and development of services to meet the needs of special populations, for example, the child, racial minorities, the mentally or physically disabled, and the elderly.

Proposals for funds will be reviewed. The deadline for proposals is May 22, 1980.

Organizations interested in applying for these funds should contact the Minnesota Program for Victims of Sexual Assault, 430 Metro Square Building, St. Paul, Minnesota, 55101, 612-296-7084.

Department of Education Vocational-Technical Education Division

Notice of Hearing on 1981 Area Vocational-Technical Institute Aid Distribution Levels

This is to announce that a public hearing will be held on Monday, May 19, at 9:00 a.m. in Room 716 of the Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, on the recommended Fiscal Year 1981 area vocational-technical institute aid distribution levels.

Department of Employee Relations

Notice of Meeting

The Governor's Task Force on Personnel Management created by Executive Order No. 79-37 has scheduled meetings from 1:00 p.m. until 4:00 p.m. on May 28, 1980 and on June 26, 1980. The May meeting will be held at the Ramada Inn, 4200 W. 76th Street (494 and France Avenue) Bloomington, Minnesota. The location of the June meeting when arranged will be available from the Department of Employee Relations. Phones: 296-2616, 296-2914 and 296-2917.

Information regarding meetings of the sub-committees of the Task Force (on Policy and Practice, Examining and Referral, Classification, Labor Relations and Total Compensation) also may be secured by calling the above numbers.

Energy Agency Alternative Energy Division

Notice of Intent to Solicit Outside Opinions Regarding Rules Concerning the Certification of Solar Collectors

The Alternative Energy Development Division of the Energy Agency is beginning to draft rules concerning the certification of solar collectors for purposes of eligibility for the renewable energy tax credit contained in Laws of 1980, ch. 512.

The department invites interested persons or organizations to provide information, comments and advice on the subject. Comments should be submitted in writing or orally within 30 days to:

John Dunlop, Manager
State Solar Office
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
or call (612) 296-4737.

Recommendations will be made part of the public hearing record.

Energy Agency Conservation Division

Program Announcement for Institutional Buildings Grants Program

The application deadline for the second program cycle of the Institutional Buildings Grants Program is June 30, 1980.

The Minnesota Energy Agency will accept applications for Federal grants for:

- maxi-audits (technical assistance from schools, hospitals, local government and public care institutions).
- energy conservation measures (ECMs) from schools and hospitals.

The application period will open on May 15, 1980.

There will be one more grant program cycle for schools and hospitals following this one. This is the final grant program cycle for units of local government and public care institutions.

All institutions must complete a mini-audit before applying for maxi-audit funding. A maxi-audit must be completed prior to applying for energy conservation measures funds. The Federal grants are competitive and institutions must provide non-

Federal matching funds. In some cases these matching funds will come from a concurrent state program. Work contracted for or conducted before a grantee receives an official notice of grant award is not eligible for funding.

Incomplete applications will not be accepted.

To order an application package for Federal maxi-audit or ECM funding during the second cycle, please write to:

Commercial and Institutional Programs
MEA, Conservation Division
980 American Center Bldg.
150 East Kellogg Blvd.
St. Paul, MN 55101
Telephone: (612) 297-2103

Ethical Practices Board

Request for Advisory Opinion Regarding Contributions and Expenditures on Behalf of Ballot Questions

Summary

The Ethical Practices Board has received a lengthy advisory opinion request from Rep. Jerry Knickerbocker concerning contributions and expenditures on behalf of ballot questions. A copy of the opinion can be obtained by writing or calling: Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155—telephone 612-296-5148. The opinion will be discussed at the next board meeting scheduled for May 30th, 9:30 a.m., Room 51, State Office Building, St. Paul, MN.

Department of Health Community Services Division

Notice of Public Hearing Regarding Fiscal Year 1981 Minnesota State Plan of Program Operations and Administration for the Special Supplemental Food Program for Women, Infants, and Children (WIC)

Pursuant to the requirement of regulations issued by the United States Department of Agriculture under Section 3 of Public Law 95-627 which amends Section 17 of the Child Nutrition Act of 1966, the Minnesota Department of Health will sponsor one public meeting to enable the general public to participate in the development of the Fiscal Year 1981 Minne-

sota State Plan of Program Operations and Administration for the Special Supplemental Food Program for Women, Infants and Children (WIC) Program. Copies of the draft Plan will be available for public inspection at Minnesota Department of Health district offices and local WIC projects after May 12, 1980.

The meeting will be held Tuesday, May 27, 1980, 10:00 a.m. in the Board Room, Minnesota Department of Health, 717 SE Delaware Street, Minneapolis, Minnesota. The meeting will conclude after all registered speakers have presented testimony.

Any citizen or group may submit either written or oral testimony at the meeting. Testimony will be given on a first come, first serve basis and will be limited to fifteen (15) minutes. Advance registration is requested.

For further information, contact the Minnesota Department of Health, WIC Program, 717 SE Delaware Street, Minneapolis, Minnesota (612) 296-5233.

George R. Pettersen, M.D.
Commissioner of Health

Minnesota State Retirement System

Regular Meeting, Board of Directors

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, May 23, 1980, at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Pollution Control Agency Solid Waste Division

Notice of Intent to Solicit Outside Opinion Concerning A Proposed Rule Relating to Administration of a Grant Program for Solid Waste Management Planning Assistance Grants and for Waste Reduction and Source Separation Demonstration Project Grants

Notice is hereby given that the Minnesota Pollution Control Agency is considering adoption of rules that provide for administration of a program which would provide grants to political subdivisions for solid waste management planning assistance and for waste reduction and source separation demonstration projects.

The proposed rules are authorized by the Waste Management

Act of 1980, Minn. Laws of 1980, ch. 564, Article 5, § 1, and Article 6, § 1. The proposed rules if adopted, would regulate the following aspects of administering the grant program:

1. Application and review procedures.
2. Criteria for eligibility.
3. Levels of local funding required.
4. Priority criteria for funding eligible projects.

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

Mr. Donald J. Kyser
Minnesota Pollution Control Agency
Division of Solid Waste
1935 West County Road B-2
Roseville, Minnesota 55113
Phone: (612) 297-2704

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-2704, and in person at the above address.

All statements of information and comment should be received by June 30, 1980. Any written material received by the Minnesota Pollution Control Agency shall become part of the hearing record.

May 5, 1980

Dale L. Wikre, Director
Division of Solid Waste

Department of Public Welfare Mental Health Bureau

Notice of Intent to Solicit Outside Opinion Concerning Revision of Rules Governing Community Mental Health Board and County Welfare or Human Service Board Responsibilities to Mentally Retarded Persons, and Standards of Operation for Residential Facilities for Mentally Retarded Persons

Notice is hereby given by the Minnesota Department of Public Welfare, Mental Health Bureau, has begun consideration of 1) specific language amendments to Rule 185 (12 MCAR § 2.185), concerning criteria and procedures for need

OFFICIAL NOTICES

determination, mandated responsibilities of the county boards to individuals who are mentally retarded, and delivery of services, and 2) amendments in Rule 34 (12 MCAR § 2.034), concerning elimination of those parts of the rule which now duplicate Department of Health rules for Supervised Living Facilities, and certain other amendments concerning standards and staffing ratios.

Rule 185, Community Mental Health Board and County Welfare or Human Service Board responsibilities to individuals who are mentally retarded, governs the planning and provision of services to all individuals who are or may be mentally retarded.

Authority for the amendments to Rule 185 is contained in Chapter 324, Minnesota Laws of 1979, enacting Minn. Stat. § 265E.03, which states that the purpose of the Community Social Service Act (CSSA) is to establish a system of planning for and providing community social services administered by the boards of county commissioners of each county under the supervision of the Commissioner of Public Welfare.

Authority for the amendments to Rule 185 is contained in recommendation of the Legislative Commission to Review Administrative Rules, April 16, 1980, to hold a public hearing on Rule 185.

The purpose of the proposed changes in Rule 185 is to 1) amend the rule to effect legislative transfer of responsibility to the county boards of commissioners, as provided in the Community Social Services Act. Current designation of responsibilities to Community Mental Health Board and County Welfare or Human Service Board is no longer appropriate under provisions of the Community Social Services Act. The purpose of other proposed changes in Rule 185 is to submit certain provisions of DPW Instructional Bulletin #78-67, for public hearing in order to amend Section D, Paragraph 4, of the Rule.

Rule 34, Standards for the Operation of Residential Facilities and Services for Persons who are mentally retarded, governs the provision of residential services to persons who are mentally retarded.

Authority for Rule 34 amendments is contained in Minn. Stat. § 252.28, and recommendation of the Legislative Commission to Review Administrative Rules, April 16, 1980, to hold a public hearing on Rule 34.

The proposed changes in Rule 34 are to 1) eliminate those parts of the rule which duplicate Department of Health Supervised Living Facility rule (such duplications occurred in the SLF Rule after adoption of Rule 34), 2) update certain parts of the rule, and 3) add staffing standards and ratios.

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

Ardo Wrobel, Director
Mental Retardation Division
Centennial Office Building
St. Paul, MN 55155

Oral statement of information and comment will be received during regular business hours over the telephone at 612/296-2160.

All statement of information and comment must be received by June 1, 1980. Any written material received by the Department shall become part of the hearing record.

Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning A Proposed Rule Relating to the Licensure of Teachers of English/Language Arts

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the board in preparing to propose the adoption of a rule governing the licensure of Teachers of English/Language Arts. Any interested persons may submit data or views on this subject in writing or orally to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

Any written materials received by the Board shall become part of the hearing record in the event that the rule governing this subject is promulgated.

April 30, 1980

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Errata

At *State Register*, Volume 4, Number 42, April 21, 1980, under CONTENTS, ADOPTED RULES section: The entry "Examination and Licensing of Morticians, p. 1690" should be the only entry for Health Department, Manpower Division. The second and third entries (Urban Indian Housing Loan Program, p. 1692, and Accessibility Improvement Assistance Program, p. 1692) should have been designated as rules of the Housing Finance Agency.

State Planning Agency

The Minnesota Health Research Program

A Status Report

In January 1977 the Governor requested state financial support for research in biomedicine, dental care, the health delivery system and other health-related issues. Acting on the Gover-

nor's request, the report of an independent health policy research organization (InterStudy), and its own examination of the need for such support, the Legislature appropriated \$1.5 million for the Health Research Program. The legislation gave authority to the Statewide Health Coordinating Council to direct the disbursement of these funds according to three grant categories: Merit Fellowship Grants (\$1,000,000), Non-Medical and Health Services Research Grants (\$300,000), and Health Policy Studies (\$200,000).

Rules governing the program were promulgated by the State Planning Agency and the Statewide Health Coordinating Council and were adopted in June of 1978. These rules provided definitions for the various kinds of research and the process for distributing funds.

One hundred forty health research and policy study applications were received by the Statewide Health Coordinating Council. The Committee on the Health Research Program, a committee of the Statewide Health Coordinating Council, reviewed these applications and made recommendations to the Council which awarded grants to 39 applicants according to the following distribution (see the attached list):

- 29 Merit Fellowship Grants
- 8 Non-Medical Health Services Research Grants
- 5 Health Policy Study Grants

Topics funded included hypertension, huntington's disease, bowel disease, diabetes, migraine, alcoholism, aging, cancer, environmental pathology, prescription drug use, diagnostic, therapeutic, and preventive procedures, manpower training and regulation, quality assurance in HMOs, utilization of and planning for health care generally and acute beds specifically.

Most of the projects began in January, 1979 and are scheduled to end in June, 1980. The grants ranged from \$80,000 to \$4,755. The average amount awarded was \$33,655.00. The total awarded was:

Merit Fellowships:	\$ 848,204.83
Non-Medical Health Services Research:	293,421.00
Health Policy:	170,947.50
	\$1,312,573.33

State Health Planning and Development Agency
 101 Capitol Square Building
 550 Cedar Street
 St. Paul, Minnesota 55101

MINNESOTA HEALTH RESEARCH PROGRAMS GRANTS

GRANT NUMBER	GRANTEE	TITLE	AMOUNT
<u>CATEGORY I: MERIT FELLOWSHIP GRANT</u>			
MF 78-22-1	Spring Lin, Ph.D. Department Neurology University of Minnesota	Mitigation of anoxic or ischemic effect on brain tissue	\$29,738
MF 78-54-2	James Tierney, M.D. University of Minnesota	Control of hypoxic pulmonary hypertension	\$25,790
MF 78-67-3	Joseph K. McLaughlin, M.S. School of Public Health University of Minnesota	Nutrition and diabetes in Austin, Minnesota. An etiologic and preventive investigation	\$37,296
MF 78-83-4	Roger L. Gebhard, M.D. Veterans Administration Hospital	The role of viral agents in inflammatory bowel disease	\$36,524
MF 78-100-5	Roberta Marquart School of Public Health University of Minnesota	Study to determine the predictive validity of public health nursing student admission data	\$ 4,755
MF 78-103-6	Janice M. Anderson School of Nursing University of Minnesota	Development of a checklist to measure the relationship between perception of specific health conditions and time of voluntary entry into the professional health care system	\$ 8,692
MF 78-116-7	Dorothy V. Lundin School of Nursing University of Minnesota	Education for the independent elderly in the responsible use of prescription medications	\$ 9,628
MF 78-124-8	Marcia Anderson University of Minnesota	Study on behavioral outcomes achieved thru differing organizational patterns for delivery of nursing care	\$19,780
MF 78-137-9	William F. Keane, M.D. Minneapolis Medical Research Foundation	Kallikrein-kinin system in paraenchymal and hypertensive renal disease	\$38,290
MF 78-2-10	John B. Brainard, M.D. St. Paul, Minnesota	Angiotensin, aldosterone and migraine response to sodium chloride ingestion in humans	\$18,450

OFFICIAL NOTICES

GRANT NUMBER	GRANTEE	TITLE	AMOUNT
MF 78-4-11	Gordon T. Heistad, Ph.D. Department of Psychiatry University of Minnesota	Evaluation of patient progress in relation to allocated resources among hospitalized retarded citizens	\$50,000
MF 78-17-12	Harold P. Cohen, M.D. Department of Neurology University of Minnesota	Development of a clinical biogenic amine analyzer	\$35,000
MF 78-30-13	Michael Lobell, M.D. Miller Hospital St. Paul, Minnesota	Evaluation of monocyte (mononuclear cells) phagocyte function and immune competence in patients with acute myeloblastic leukemia, treated with chemoimmunotherapy	\$41,000
MF 78-34-14	Andreas S. Stergachis, Ph.D. St. Louis Park Medical Center Research Foundation	Improving the quality of prescription drug use	\$40,215
MF 78-37-15	Julie A. Abbott, M.D., M.P.H Mayo Foundation	Special studies in health care utilization for health care planning	\$55,605
MF 78-38-16	Gordon Wayne Dewald, Ph.D. Mayo Foundation	A study of marker chromosomes and use of short-term cultures in the diagnosis of malignant pleural effusions	\$52,655
MF 78-47-17	Rolf R. Engel, M.D. Minneapolis Medical Research Foundation	Non-invasive determination of blood gas levels by monitoring transcutaneous flux	\$30,000
MF 78-72-18	Harvey L. Sharp, M.D. Department of Pediatrics University of Minnesota	Oral alimentation in newborns and infants with severe chronic diarrhea	\$30,000
MF 78-105-19	Philip D. Schneider, M.D. Department of Surgery University of Minnesota	Serial serum bile acid determinations as indicators of portacaval shunt patency	\$10,000
MF 78-106-20	Robert L. Zimmermann, Ph.D. Psychiatric Research Unit University of Minnesota	Evaluation of court-ordered drug withdrawal periods in mentally retarded patients and to improve methods of integrating behavioral observations into clinical decisions	\$60,000
MF 78-107-21	James J. O'Leary, M.D. Department of Laboratory Medicine and Pathology University of Minnesota	The use of human lymphocyte proliferation <i>in vitro</i> as a measure of immunologic capacity in health and disease	\$20,000
MF 78-109-22	J. R. Sheppard, Ph.D. Dight Institute for Human Genetics University of Minnesota	A health program for Huntington's Disease in Minnesota	\$75,000
MF 78-111-23	Alan R. Sinaiko, M.D. University of Minnesota	The significance of essential hypertension in Minneapolis school children	\$40,000
MF 78-132-25	Fernando F. Vargas Department of Psychology University of Minnesota	Vascular and microvascular permeability changes caused by diabetes and aging	\$19,868
MF 78-33-26	Marion McClain St. Louis Park Medical Research Foundation	Utilization of medical care services among prepaid and fee-for-service patients	\$59,918.83
CATEGORY II: NON-MEDICAL/HEALTH SERVICES RESEARCH GRANTS			
HSR 78-94-1	Institute for Athletic Medicine Fairview Community Hospitals (Susan Goodwin Gerberich)	Evaluation of injury/illness incidence and health care provision for football participants in the secondary schools of Minnesota	\$ 9,904
HSR 78-139-2	Center for Health Services Research University of Minnesota (Thomas Choi & Brian Campion)	Evaluation of continuing education impact on two types of paramedics in providing emergency care	\$27,010
HSR 78-1-3	Minnesota Department of Health (V. Garry, M.D.)	Human environmental pathology program "A Laboratory and Research Service Program for the State of Minnesota"	\$80,000
HSR 78-20-4	Zumbro Valley Mental Health Center (Brenda Otto)	Dissolution and custody series: A comprehensive family services project	\$ 9,800

OFFICIAL NOTICES

<u>GRANT NUMBER</u>	<u>GRANTEE</u>	<u>TITLE</u>	<u>AMOUNT</u>
HSR 78-92-5	Population Based Planning Group Council of Community Hospitals (Gary Appel, Ph.D.)	Development of population based planning methodology for improved forecasting of acute care bed needs	\$39,000
HSR 78-27-6	Traverse County Nursing Home (Bruce Bowersox)	Researching the effects of training on licensed nurses	\$ 7,707
HSR 78-35-7	Mayo Foundation Health Care Studies Unit (Fred Nobrega, M.D.)	Disease prevention programs in entire communities: outcome and cost benefit studies of differing ambulatory care models for hypertension control	\$80,000
HSR 78-133-8	Department of Pediatrics University of Minnesota (Amos Deinard, M.D.)	Health service research projects: An integral component of the preparation of academicians in general pediatrics	\$40,000
<u>CATEGORY III: HEALTH POLICY STUDIES</u>			
HP 78-56-1	Minnesota Department of Health (Corrine Larson)	Use of non-governmental groups in governmental regulation of health occupations	\$ 9,665
HP 78-57-2	Minnesota Department of Health (Kent Peterson)	A quality assurance system for ambulatory care provided by health maintenance organizations	\$29,614
HP 78-75-3	Joseph Westermeyer Department of Psychiatry University of Minnesota	A 10 year follow-up of American Indians treated for alcoholism	\$33,306
HP 78-126-4	John Kralewski, Ph.D. and Clayton R. Rowland, Ph.D. Center for Health Services Research University of Minnesota	Policy analysis of the economic effects of drug substitution in Minnesota	\$27,537.50
HP 78-135-5	Department of Public Welfare and University of Minnesota (Pat Gaylord and Jay Geenberg, Ph.D.)	Minnesota Medicaid utilization study	\$70,825

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