

# State

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MINNESOTA

# Register

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# Rules

## STATE UNIVERSITY BOARD

### RULES OF OPERATION

**SCB 101 Individual.** The term "individual" refers to a student, [a faculty member,] a professional support personnel staff member, [or an administrative officer] of any of the Minnesota State Colleges; an employee in the Office of the Chancellor; or a member of the Minnesota State College Board.

**SCB 103 College and college community.** The terms "College" and "College Community" refer to all components of the College collectively. The components of a College are: the President [and other officers of administration (SCB 604), the faculty (SCB 701)], the students (SCB 801), and the professional support personnel (SCB 901). In accordance with these Governing Rules and the College Constitution, the President shall designate to which component each College employee belongs. An individual employee may appeal his designation to the State College Board or its designee. Any individual enrolled in a course for credit or audit in the College is a member of the student component.

**SCB 105 Internal rules.** Internal rules are regulations of the State College Board concerning the internal management of the System. (Minn. Stat. § 15.0411 subd. 3(a) (1969). They apply throughout the System and shall be codified and remain in effect until explicitly repealed. Prior to the adoption, repeal, or amendment of an Internal Rule, a hearing for individuals within the System shall be held by the Board or its designee, previous to which a copy of the proposed Rule or modification, together with the notice of the date, time, and place of the required hearing, shall be distributed by the Office of the Chancellor to each College President, to the principal agencies [for faculty and] for student participation in College governance, and to any other individuals or groups within the System which request in writing to the Office of the Chancellor that they receive copies of such documents. Said notice shall be distributed at least 15 and not more than 90 days prior to the hearing. The Office of the Chancellor shall codify all Internal Rules and distribute current copies to each President, to each College library, and to the organizations mentioned in [SCB 431 and] SCB 432. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures of each library.

**SCB 202 and SCB 203 are repealed.**

**SCB 204 Fair evaluations.** [Faculty members,] Students, [and administrative officers] and other employees shall be evaluated for such official purposes as the awarding of grades and diplomas, and the granting of promotions, salary increases, and tenure solely on the basis of their performance in meeting appropriate standards established and communicated to them in advance of the assignment of responsibilities for which they will be evaluated.

**SCB 205 Freedom from disruption and intimidation.** Within the State College System [faculty members shall be free to teach and undertake research and related activities,] students shall be free to learn, [and administrative officers] and other employees shall be free to carry out their duties without harassment from those who would physically interfere with classes and other authorized activities or who would disrupt such activities by any action. Such individuals shall also be free from threats and efforts to intimidate them by any person or group.

**SCB 251 is repealed.**

**SCB 255 is repealed.**

**SCB 306 A. General policies.** By means of Internal Rules, the Board is empowered to establish general academic policies, including policies relative to program development, admissions, [faculty status,] and related matters, within which each of the State Colleges shall operate.

**SCB 326 Notice of meetings and agendas.** The Assistant Secretary shall prepare the agenda for meetings of the Board, placing thereon any item requested by a member of the Board, by the Chancellor, a State College President, or by any other individual or group authorized by these Governing Rules to request items for Board meeting agendas. He shall distribute the agenda and notice of all regular and special meetings of the Board to members of the Board, the Presidents of the Colleges, the principal agencies [for faculty and student] participation in college governance and the organizations referred to in [SCB 431 and] SCB 432, and other persons designated by the Board, by these Governing Rules, or by statutes.

**SCB 327 Minutes.** A copy of the minutes of each

Board meeting and each Board committee meeting shall be placed on file within 30 days of said meeting in the Chancellor's Office, each President's office, and the library of each College. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures for the operation of each library. Copies of Board minutes shall also be sent to the organizations referred to in [SCB 431 and] SCB 432.

**SCB 431 is repealed.**

**SCB 501 Components of a college community.** Each State College is a Community the individual members of which are students, [faculty members, administrative officers] and professional support personnel. Legal responsibility for the Community is vested in the President as its chief executive officer. These Governing Rules provide for each College Community to establish a system of governance appropriate to its needs and situations, the outlines of which shall be set forth in its Constitution. The precise role of each of the components of a College Community in its governance and the structure of its system of governance may vary from College to College. Some Colleges may establish an all-college senate. Others may establish separate senates for various components. It is the explicit intention of these Governing Rules that the role of each component in the governance of each College be articulated as clearly as possible in order to minimize misunderstandings.

**SCB 502 (b) and (d) are repealed.**

**SCB 505 B. Component participation in college governance.** Consistent with the principles enumerated in SCB 502 each College Constitution shall set forth such provisions for participation in College governance as are appropriate to each component of the College Community, including [faculty members] students, and the professional support personnel. Each Constitution shall recognize that different types and degrees of participation are appropriate for different components.

**SCB 505 C. College regulations.** Each College Constitution shall contain a description of the process for establishing or modifying College Regulations, which description shall include the responsibilities in this process of the President [and other administrative officers] and all other components of the College Community. Each College is required to have regulations on the subjects listed below. A College may also have Regulations on such other subjects as are not expressly for-

bidden nor precluded by these Governing Rules, Internal Rules, or Operating Policies. All College Regulations must be consistent with these Governing Rules, Internal Rules, Operating Policies, and the College Constitution, as well as with public law.

1. The recruitment, appointment, retention, evaluation, and removal of College employees, and the imposition of formal sanctions on such employees. [including faculty members and administrative officers, the granting of salary increases, tenure, and promotions to such employees, and the assigning of duties to them.]

**SCB 506 B. Action by the college.** An amendment to a Constitution or a new Constitution which has been reviewed by the President of the College involved shall be submitted to separate secret ballot elections of the [faculty,] students, and professional support personnel of the College. If a majority of those casting valid ballots in each component's election vote for the Constitution or amendment the President shall submit, with his recommendation, the Constitution or amendment to the Board. If a majority of one of the foregoing components casting valid ballots in the election vote against the Constitution or amendment, but fewer than ten percent of the eligible voters in that component cast valid ballots, the President shall submit, with his recommendation, the Constitution or amendment to the Board. If more than ten percent of those eligible to vote in a component cast valid ballots, and the majority of those voting in that component cast votes against the Constitution or amendment, the President shall not submit it to the Board. In this latter instance, the President shall call for another election as described above, prior to which he may call for the Constitution or amendment to be redrafted. Following the second election, the President may submit, with his recommendation, the Constitution or amendment to the Board.

**SCB 602 A. General responsibilities.** The President is the chief executive officer of the College and as such is responsible and accountable to the Board through the Chancellor for the operation of the College and its educational and related programs. The President shall carry out all duties which have been or may be delegated or assigned to him. He is empowered to take any action appropriate or necessary to carry out the duties and responsibilities assigned to him or his office. He may delegate the duties assigned to him to other administrative officers or other agencies of the College, including faculty members, students or College Committees subject to his right to resume any duty he dele-

**KEY:** New rules and both proposed and adopted additions to existing rules are printed in **boldface**. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

gates. He is empowered to take the initiative in the development of the College Constitution and amendments thereto, and in the development of any College Regulations, plans, or budgets. In those instances in which these Governing Rules provide for participation by [the faculty or] the students [(or both)] in the development of the Constitution, an amendment, a regulation, a plan or a budget, if the President is unable to secure such participation and if he is accountable to the Chancellor and the Board for operating the College or its programs in accordance with said Constitution, amendment, regulation, plan, or budget, the President shall proceed to establish it, reporting in writing to the Chancellor, the Board, and the [principal faculty and] student agencies for participation in College governance his reasons for so acting. In those instances where [faculty or] student participation is required and the President acted without it, the principal agency for [faculty or] student participation in College governance may appeal the President's action to the Board, which may either confirm or modify the President's action: ...

SCB 602 (c) is repealed.

SCB 604 is repealed.

SCB 701-714 are repealed.

SCB 751-753 are repealed.

**SCB 803 Major Responsibilities of the Students in College Governance.** Through agencies and procedures designated in the College Constitution or Regulations, students shall develop, in consultation with [faculty members and] appropriate administrative officers, the budgets for programs supported by the student activity fee. (Minn. Stat. § 136.11 (1969); SCB ch. 10). Students shall have major responsibility (See SCB 503) for the development of College Regulations pertaining to student relations, the conduct of students, college centers or student unions, and student housing; and for such other College Regulations as are designated in the College Constitutions.

## DEPARTMENT OF PUBLIC WELFARE

### ADOPTED RULES GOVERNING SOCIAL SERVICES

**DPW 161 Interstate placement of children for foster care.**

#### A. Introduction.

1. This rule governs the placement of children into or out of the State of Minnesota for the purpose of foster care.

#### 2. Definitions.

a. **Child:** A person who is under the age of eighteen.

b. **Placing Children in Foster Care or Placement:** Placing children in any of the following residential facilities—foster family home, work home, free home, group home, residential treatment center.

c. **Commissioner:** Minnesota Commissioner of Public Welfare.

#### B. Placement provisions.

1. Placement of children to and from states which are parties of the Interstate Compact on the Placement of Children shall be made in accordance with the current terms of the Compact.

#### 2. Placements to and from non-Compact states.

a. When a child enters or leaves the State of Minnesota for placement in foster care, the following

policies are to be used when the move involves non-Compact states.

(1) The Commissioner's consent must be obtained for children entering or leaving the state for the purpose of placement in foster care, except for placements made by certain relatives and guardians under conditions prescribed in statute.

(2) Those seeking to place a child must demonstrate:

(a) That they have legal authority to do so.

(b) That the move is in the best interest of the child.

(c) That the move is necessary to provide the optimum placement opportunity for the child.

(3) Those seeking to place a child shall furnish the Commissioner such supporting or additional information, consents or guarantees as the Commissioner may deem necessary to protect the child.

b. Prior to the Commissioner's consent for a child to leave the state for the purpose of foster care, the following information and agreements must be furnished the Commissioner:

(1) Identifying information on the child and parents, and

(2) The name, address and relationship of the individual in the receiving state responsible for the child's care, and

(3) The authority of the agency or individual to make such placements, and

(4) Written authorization for the out-of-state placement by the court of jurisdiction, or written authorization from the child's parent or guardian.

#### DPW 170 - Services to unmarried parents.

##### A. Introduction.

1. This rule governs the provision of services to unmarried parents by local social service agencies.

2. The purpose of this program is to assist parents who are not married to each other to make responsible plans for themselves and their children, and to ensure that children born to unmarried parents have the same opportunities for physical and emotional growth and development as do children whose parents are married to each other.

##### 3. Definition.

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

##### B. Public information.

1. The local social service agency shall develop programs and methods to inform potential clients of the services that are available to them.

##### C. Provision of services.

1. In addition to state statutory requirements governing services to unmarried parents, the local social service agency shall:

a. Offer assistance in planning to every unmarried father who requests service from the agency.

b. Provide social services to assist unmarried parents to establish paternity for the child who is born to them.

#### DPW 201 - Chore services.

##### A. Introduction.

1. This rule governs the administration and provision of chore services by local social service agencies.

##### 2. Definition.

a. **Chore Services:** Services such as routine housekeeping tasks, minor household repairs, shopping, lawn care and snow shoveling.

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

##### B. Provision of services.

1. When the local social service agency provides chore services, the following standards apply:

a. Chore services persons must be approved by the local social service agency. The services performed by the chore service person shall be in accordance with the client's social service plan.

b. Approval of the local service agency shall be obtained in all cases in which the performance of a task necessitates the handling of the client's money.

c. When the local social service agency purchases chore services from another agency, the local social service agency shall provide the functions of liaison and coordination with the vendor agency and require quality of service equal to that which it would itself provide.

#### DPW 202: Employability services.

A. **Introduction.** The objective of employability services is to provide individuals with the training skills and social services necessary to maximize their employability potential and to assist them in obtaining, maintaining and improving employment. Such services are needed by the underemployed, the unemployed, the unskilled individuals who have never been part of the labor force, individuals who are socially or economically disadvantaged, individuals with poor job histories, the undereducated, and persons with physical and/or mental handicaps.

##### 1. Definitions.

a. **Local Social Service Agency:** The local social service agency under the authority of the County Welfare Board or Human Service Board which is responsible for social services.

b. **Employability service:** Arranging and providing assistance to individuals in obtaining, maintaining and improving employment through the use of vocational counseling, employability testing, college and vo-

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cational training, job finding assistance and special employment services for individuals who are handicapped because of some social, economic or mental/physical health condition.

c. **Non-WIN employability program:** A program of employability services, authorized and funded through Title XX of the Social Security Act, which provides Aid to Families with Dependent Children (AFDC) recipients with employability opportunities which fall beyond the scope and function of other programs, such as the Work Incentive Program (WIN) and the Division of Vocational Rehabilitation (DVR) programs.

d. **Public Assistance/Vocational Rehabilitation Joint Action (PA/VR):** A cooperative effort by Minnesota Division of Vocational Rehabilitation (DVR) and the Minnesota Department of Public Welfare (DPW) to provide physically, mentally and emotionally handicapped individuals with the training skills and supportive services necessary to maximize their employability potential.

e. **State Agency:** The Minnesota Department of Public Welfare.

f. **Work Incentive Program (WIN):** A program designed to provide opportunities for appropriate AFDC recipients to be placed in jobs and/or to obtain the employment and social services necessary to attain employability. Applicable state and federal legislation includes Minn. Stat. § 256.736 and Title IV-C of the Social Security Act.

(1) **Mandatory WIN Registrant:** An individual required to register for WIN as a condition of initial or continued receipt of AFDC.

(2) **Voluntary WIN Registrant:** An individual exempt from the WIN registration requirement who nevertheless volunteers to register for WIN.

2. **Resources.** Local social service agencies shall be responsible for the administration and delivery of services to Aid to Families with Dependent Children (AFDC) recipients under the WIN and non-WIN (Title XX) program. State laws also mandate work relief programs for General Assistance (GA) recipients who are unable to find employment through existing employment resources. In addition, local social service agencies have an ongoing responsibility to identify and refer to the Minnesota Division of Vocational Rehabilitation (DVR) those individuals who could benefit from vocational rehabilitation services.

#### B. Non-WIN title XX employability program.

1. **Intent and service objectives.** The intent of the non-WIN employability program is to provide AFDC recipients with employability opportunities

which fall beyond the scope and function of other programs, such as the Work Incentive Program and the Division of Vocational Rehabilitation programs. The objective of non-WIN social services is to provide eligible AFDC recipients with the training, skills and other social services necessary to maximize their employability potential and to assist them in obtaining, maintaining and improving employment.

2. **Services:** Employability services is the primary service to be provided in attaining program objectives. Additional services necessary to remove barriers to employability may include, among others, day care, health, homemaking, transportation and counseling services, and referral to other agencies (e.g., Division of Vocational Rehabilitation, CETA, etc.).

#### 3. Non-WIN college or vocational training.

a. The three basic criteria in considering and approving classroom or vocational training are:

(1) Is it reasonable to assume that the candidate possesses sufficient motivation and potential for successful completion of the training/educational sequence?

(2) Is the training facility a reputable and accredited institution?

(3) Is the self-support plan likely to lead to employment?

b. After other resources have been exhausted, the cost of tuition, books, tools, etc., may be paid by the county social service agency.

(1) The cost of tuition shall be reviewed annually in conjunction with the self-support plans and other potential funding resources shall be explored.

(2) The local social service agency shall not agree to pay more than one academic year at a time even though the individual's self-support plan relates to a four-year college education or other vocational training extending beyond one year. Non-WIN academic training shall be limited to a baccalaureate degree.

#### c. Non-WIN training/education allowance.

(1) This allowance is intended to cover expenses such as transportation, lunches, additional clothing and other incidental expenses related to training/educational activities.

(2) This allowance is a social service expenditure to be paid monthly to the recipient/trainee and is not to be considered a budgetable item in the assistance payment.

(3) **Criteria governing the allowance:**

(a) An individual in training 30 or more



hours per week shall, upon authorization and documentation of the social worker, receive a \$40 monthly allowance.

(b) An individual participating in training less than 30 hours but more than 15 hours per week shall receive \$20 per month.

(c) An individual participating in training less than 15 hours per week, but who incurs transportation and other training-related expenses, will receive an allowance of \$10 per month.

(d) When an individual incurs training-related expenses greater than the standard allowance, the county social service staff shall document the actual costs incurred by the individual and increase the allowance to cover all reasonable actual costs.

(e) In determining hours in training, class participation, home study, library work and other class preparation shall be included.

**d. Non-WIN job seeking allowance.**

(1) This allowance is available to AFDC recipients actively engaged in job-seeking activities and is intended to cover related expenses such as transportation, lunches, additional clothing and other incidental expenses.

(2) This allowance is a social service expenditure to be paid monthly to the recipient and is not to be considered a budgetable item in the assistance payment.

(3) This allowance shall accurately reflect additional costs related to job-seeking activities and is limited to \$40 per month.

(a) If costs incurred during job-seeking activities exceed \$40 per month, the actual costs shall be documented by county social service staff and the recipient shall be reimbursed for all reasonable costs actually incurred.

(4) This allowance shall be available to individuals who are actively seeking employment either through participation in a job-seeking skills class or by going out on a predetermined number of job interviews (agreed to by the individual and local social service staff).

(a) A "job-seeking skills class" may include information about employers, instruction in completing job applications, information and practice in job interviewing, etc.

(b) The number of job interviews is to be established by the individual and his social worker.

**4. Implementation of the non-WIN employability program.**

a. Local social services staff shall work with AFDC recipients and their families in an effort to evaluate potential for employment and to encourage participation in programs which have self-support goals.

b. While local social service agencies are required to affirmatively offer and provide non-WIN (Title XX) employability services, acceptance of these services is optional and no current AFDC recipient shall incur financial sanctions for refusal of employability services.

c. Local social service agencies shall screen AFDC caseloads to identify those individuals immediately referable for training and/or employment.

(1) The following individuals may be considered inappropriate for referral:

(a) Those individuals with illness, advanced age, (65 years or older) or incapacity (unless a DVR referral is indicated in the case of incapacity);

(b) Those individuals too far removed from work and training activities so as to make participation ineffective;

(c) Dependent Children under age 16 and those individuals 16 years of age or older who are in school on a full-time basis;

(d) Individuals needed in the home to care for children because adequate child care arrangements cannot be arranged or maintained;

(e) Individuals needed in the home on a substantially continuous basis because of the illness, incapacity or young age of another family member; and

(f) Mothers or AFDC caretakers who cannot cope with the dual role of being a homemaker and a wage-earner.

**C. Work incentive program (WIN).**

**1. Definitions.**

a. **Appraisal:** An interview with a WIN registrant by WIN project staff and local social service staff to assess employability potential, determine the registrant's need for supportive services and initiate an employability plan.

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**b. Certification:** The formal mechanism for requesting social services necessary for implementation of an individual's employability plan, as well as for authorizing 90% federal reimbursement for those services.

**c. Component:** An active WIN status usually requiring an individual's active and regular participation, including training, institutional training, and other Employment Services activities.

**d. Employability Plan:** A plan for service established by the individual in conjunction with WIN project staff and local social service staff which includes a self-support goal, identification of activities required to attain such a goal, and identification of supportive social services necessary to implement the plan.

**e. Separate administrative unit (SAU):** Local social service agency staff responsible for providing or arranging WIN supportive social services.

**f. Sixty-day counseling:** Counseling and other services provided by the local SAU to certified WIN registrants who have been determined to have refused to participate without good cause in order to encourage such individuals to return to active WIN participation.

**g. WIN project staff:** State employment services staff responsible for providing or arranging WIN employment and training services.

**2. Service Objective.** The objective of WIN social services is to facilitate an individual's participation in WIN and remove any barriers to implementation of his employability plan.

**3. Services.** WIN social services are services necessary to remove barriers to an individual's active implementation of his employability plan.

**a. The following mandated supportive services shall be available to WIN registrants in the State of Minnesota for the purpose of facilitating employability plans and self-support goals.**

**(1) Day care service (children):** Personal care during the day (for less than 24 hours) in the child's own home or in a nurturing and protective setting to substitute for or supplement the child rearing provided by the child's parents; as well as integral but subordinate medical service.

**(a) Child care must be suitable for the individual child, and the caretaker relative must be involved in the selection of the child care facility if more than one facility is available. If only one facility is available, the caretaker relative must accept it, unless the caretaker can show that it is unsuitable for the child. Such child care arrangements shall be maintained until the caretaker relative is able to make other satis-**

**factory arrangements. Child care arrangements must comply with standards as set forth in 45 CFR 228.42.**

**(2) Family Planning:** Services provided to enable individuals to voluntarily limit the size of their family or the space between children and to prevent or reduce the incidence of births out-of-wedlock.

**(a) Family planning services shall be entirely voluntary for the registrant/participant.**

**(3) Counseling service for families and individuals:** Utilization of a professional helping relationship to enable individuals and families to deal with and to resolve whatever intra and/or interpersonal relationship problem or stress is encountered by them.

**(4) Health service (employment related):** Arrange and facilitate access to and use of health resources, including mental health resources, to determine if the individual has any physical or mental limitations which would restrict or limit his or her vocational options.

**(a) In all instances, this medical exam is a Medical Assistance (MA) expenditure and is not to be paid for under WIN 90/10. Reimbursable expenditures would be for social worker time involved in arranging for medical appointments, requesting medical reports, etc.**

**(5) Vocational rehabilitation service:** Special employment services for individuals who are handicapped because of some social, economic, or mental/physical health condition including such things as surgery, psychiatric treatment, prosthetic devices, speech or hearing therapy, visual services, dental care, etc., in order to correct or substantially modify a physical or mental condition which is a handicap to employment.

**(a) These vocational rehabilitation services will be provided with WIN funds only when they are not available through the Division of Vocational Rehabilitation, and when there is reasonable expectation that the same services will lead to unsubsidized employment.**

**b. The following supportive services may be provided with WIN funds when it is determined by the WIN sponsor and the SAU that such are necessary to the successful completion of employment plans and self-support goals.**

**(1) Homemaking service:** Provisions of surrogate care in the absence or disability of the caretaker, providing for the personal care of ill or disabled individuals, as well as instruction on more effective methods of home management, the development and maintenance of self-care and social skills.

**(2) Housing service:** Services to help indi-

viduals obtain, maintain and improve housing, and/or to modify existing housing.

(3) **Legal service:** Arrange and provide for assistance in resolving noncriminal legal matters and the protection of legal rights.

(4) **Money management service:** Arrange and provide assistance in developing effective budgets and managing indebtedness.

(5) **Transportation service:** Arrange and provide travel and escort to and from community resources and facilities.

#### 4. Implementation.

a. Local SAU staff shall participate with WIN project staff in developing and implementing client-specific employability plans.

(1) Local SAU staff shall participate in appraisal interviews to develop, with the individual and WIN project staff, a tentative employability plan.

b. Local SAU staff shall certify all individuals who are assigned to a WIN component whether or not services are needed, as well as all other WIN registrants requiring services.

(1) Each unemployed father required to be registered for WIN shall be certified no later than 30 days from the receipt of AFDC benefits. If WIN project staff fail to request certification of an unemployed father within two weeks after registration, the SAU shall certify him without such a request. Should any social services be provided, the cost may not be claimed at the 90% rate until the services have been approved by the employment service agency.

(2) Each registrant receiving sixty-day counseling shall be certified.

c. After certification is completed, local SAU staff shall provide or arrange for all necessary and authorized social services during an individual's active participation in WIN or until the need for a specific service has ended.

5. **Adjudication.** Upon determining that a certified registrant has refused to participate in WIN without good cause, WIN project staff shall send the registrant a "Notice of Intended Deregistration". A copy of such Notice shall also be sent to the county SAU.

a. WIN project staff shall provide all such notified registrants with an opportunity for a fair hearing on

the proposed deregistration. Decisions of the hearing officers shall be binding on the local social service agency. Such decisions may be appealed at the state level, and following that, to the WIN National Review Panel.

b. Local SAU staff shall initiate sixty-day counseling on the fifth day following the expiration of the ten-day time period for requesting a fair hearing or the date of the hearing officer's adverse decision, whichever occurs later.

(1) The SAU shall provide the individual with a written explanation of the sixty-day counseling followed by a personal contact. The written explanation shall advise the individual of the effect of his continued refusal to participate in the WIN program and the potential effect upon his assistance payments.

(2) If at any time during the sixty-day counseling period the individual changes his mind and agrees to actively participate in WIN, the SAU shall communicate this to the WIN project staff and the individual shall be returned to "active participant" status. Also, training and incentive allowances shall be immediately reinstated.

(3) An individual refusing or terminating counseling at any time during the sixty-day period shall incur appropriate sanctions immediately.

(a) A registrant who fails without good cause to appear for two or more scheduled counseling sessions shall be considered to have terminated the counseling.

c. Certified registrants who complete the sixty-day counseling and agree to return to participation shall be reaccepted into WIN only upon approval of the SAU.

(1) An individual who has been offered the sixty-day counseling period, has been returned to "active participation" status, and has again been determined to have refused to participate without good cause, shall not be allowed a second determination of refusal to participate without good cause, the individual shall incur appropriate sanctions immediately.

**D. Public assistance/vocational rehabilitation joint action (PA/VR).**

1. **Objective.** The objective of services under Public assistance/vocational rehabilitation joint action (PA/VR) is to provide physically, mentally and emotionally handicapped persons with the training, skills

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and supportive services necessary to maximize their employability potential and to assist them in obtaining, maintaining and improving employment.

2. Referral. Local welfare agency income maintenance staff shall identify individuals appropriate for PA/VR involvement, obtain current medical information on such individuals, and refer them to both the vocational rehabilitation agency and the local social services staff.

a. Local social service staff shall follow-up on all such referrals to insure that individuals with disabling conditions who apply for public assistance (or who apply for AFDC in non-WIN counties) have been referred to the Division of Vocational Rehabilitation within 30 days of their initial contact with the local social service agency.

b. Local social service staff shall evaluate on an ongoing basis disabled clientele not currently active with DVR who have potential for vocational rehabilitation and self-support. Where appropriate, such individuals shall be referred for vocational rehabilitation services, and necessary supportive social services shall be provided by local social service staff.

3. Services. Local social service staff shall cooperate with DVR staff in a comprehensive evaluation (medical, social, emotional, etc.) of all clientele and potentially eligible individuals and their families. On the basis of this evaluation, social services shall be provided, as needed, to facilitate the rehabilitation plan. These services shall be made available, as needed, to the individual and/or other family members who are affected by the disabling condition.

a. Services available through DVR shall include vocational adjustment counseling books, training materials and tools, training-related expenses and other services necessary to develop the individual's employability potential.

#### **E. Record keeping, access and retention.**

1. In accordance with applicable state and federal laws and regulations, local social service agencies must maintain adequate employability service records and must assure privacy of these records to the extent required by these authorities.

#### **DPW 205 Home delivered and congregate meals.**

##### **A. Introduction.**

1. This rule governs the provision of home delivered and congregate meals by local social service agencies.

##### **2. Definitions.**

a. Home Delivered or Congregate Meals: The

preparation and delivery of one or more nutritionally adequate hot meals daily to the homes of persons who are physically unable to leave their own homes and unable themselves to prepare nourishing meals; or the making available of such meals at a center used for serving congregate meals.

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

##### **B. Provision of service.**

1. A local social service agency that elects to provide home delivered or congregate meals:

a. Shall assure that such meals are made available to persons in accordance with the local social service agency's annual service plan.

b. Shall purchase such meals only from providers licensed by the State Health Department or from nutrition programs developed under Title VII of the Older Americans Act of 1965, as amended and administered by the Governor's Citizens Council on Aging.

#### **DPW 206 Homemaking services.**

##### **A. Introduction.**

1. This rule governs the administration, purchase and provision of homemaking services.

##### **2. Definitions.**

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

b. Homemaking Service: The provision and/or teaching of child care, personal care and home management to individuals and families.

##### **B. Standards of services.**

1. Each local social service agency shall make homemaking services available to eligible families and adults, consistent with state and local social service plan requirements.

2. The local social service agency shall assure that each individual and family receiving homemaking services is served by a qualified homemaker.

a. The local social service agency shall assure that the recruitment, selection, and duties of homemakers are consistent with Merit System Standards.

b. The local social service agency shall provide for training for homemakers and staff responsible for homemaking services.

(1) Each homemaker shall have a minimum of 24 hours of training (initial and ongoing ) the first year of the homemaker's employment, and 24 hours training annually thereafter.

(2) Such training shall include courses in homemaker skills, child and personal care, human growth and development, the aging process, nutrition and home management; and training in working with mentally retarded, mentally ill, chemically dependent, physically handicapped and family malfunction.

c. The assignment of homemakers shall be made on the basis of the particular abilities and skills of the homemaker.

3. A homemaker is to be utilized only as indicated by the service plan developed by the client, social worker and homemaker. The service plan shall be managed by the social worker.

4. The role of the homemaker shall be either that of a surrogate caretaker or that of a demonstrator or teacher working with individuals and families to help them achieve self-support, self-care, home-based care or remedy of neglect, abuse or exploitation of family members. The tasks shall include assisting with or giving child care, personal care, home management, food planning and preparation, laundering and general household duties.

5. The local agency shall develop guidelines for the use of the homemaking service to assure quality of practice. These guidelines shall include the following:

a. Client-social worker discussion of the case which suggests the need for a homemaker.

b. Client participation in the decision to use homemaking services.

### C. Contracting for services.

1. Purchased homemaking services shall meet or surpass the same standards as the local service agency should it provide services directly.

2. The local social service agency shall assure that it purchases that part of the homemaking services that the vendor is qualified to provide.

3. When the local social service agency purchases homemaking services, it has the responsibility to develop the service plan, provide ongoing counseling help to the client, supervise the homemaker's activities provided in the service plan and periodically assess progress and continued need for service, unless the contractor is

a recognized social service agency capable of performing these functions.

### DPW 207 Protective services to children.

#### A. Introduction.

1. This rule governs the administration and provision of protective services to children through local social services agencies.

2. The purpose of a child protective service system is to carry out community responsibility for safeguarding the rights and welfare of children whose parents are unable or unwilling to do so.

3. Local Social Service Agency: Local agency under the authority of the county welfare or human services board which is responsible for social services.

4. State Agency: Minnesota Department of Public Welfare.

5. Any child in Minnesota who is in need of protection is to receive such service in the county in which the child lives or is found, irrespective of family income and legal or poor relief settlement of the child or family.

#### B. Administration and organization of protective services program.

1. Local social service agency responsibility in assessing child abuse or neglect reports.

a. The local social service agency must accept all complaints alleging that a child has been abused or neglected.

b. Every report alleging maltreatment of a child shall be assessed at the time of its receipt to determine the agency's initial response to the allegations.

c. An initial contact with the family must be made based on the following assessments of the report:

(1) A child in need of immediate care by virtue of being abandoned, life threatened, or likely to experience physical injury due to abuse, requires an immediate contact with the family to determine the harm or threatened harm to the children involved and the risk to such children if they continue to remain in the existing home environment or return to such environment.

(a) If the protective service worker determines that the child is in need of immediate care:

(i) The parents or caretakers must be given the opportunity to voluntarily place the child or

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seek an alternative that assures the safety of the child and is agreeable with the protective service worker.

(ii) If the parents or caretakers are unwilling or unable to cooperate in the protection of the child, the protective service worker shall:

(aa) Petition the juvenile court for the immediate custody of the child;

or

(bb) Seek the assistance of a peace officer in taking a child into custody that such peace officer reasonably believes is in danger.

(b) If the protective service worker determines that the child is not in need of immediate care and neglect or abuse is present:

(i) The parents or caretakers shall be given the opportunity to voluntarily cooperate in resolving the problem.

(ii) If the parents or caretakers are unwilling or unable to cooperate, the worker shall seek the authority of the court to intervene.

(c) If the protective service worker determines that the child is not in need of immediate care and neglect or abuse is not present, the protective worker may:

(i) Offer other services appropriate to need or seek to refer family to other community agency.

(ii) Inform the family of the agency's availability and willingness to work with the family in the future.

(2) A child not in need of immediate care but allegedly physically or sexually abused requires a contact with the family within 24 hours.

(3) A child not in need of immediate care but allegedly neglected requires a contact with the family within 72 hours.

(4) Reports for which no response is required include those which do not fall within the parameters of child maltreatment (although a referral to a more appropriate agency may be made), those which do not contain enough information to be investigated, or those which concern a situation that has recently been investigated and determined to be unsubstantiated.

d. The local social service agency shall assess the need for protective intervention in each case in which a report is filed and shall develop a plan which meets the needs of the child and family. In assessing the propriety of intervention, the local social service agency shall consider:

(1) Family composition, including the names,

addresses, ages and sexes of the child or children named in the report.

(2) The physical or emotional harm to the children involved. A determination of the present condition of the children should be made, as well as an assessment of prior injuries, abuse, or maltreatment. In addition, the local social service agency should attempt to identify the person or persons responsible for the maltreatment, evaluate the home environment and assess the risk of such children if they continue to remain in the existing home environment. Finally, there should be a determination of the nature, extent, and cause of any other condition enumerated in the report.

(3) The protective treatment and ameliorative services that may prevent further maltreatment and improve the home environment, as well as the parent's ability to adequately care for the children.

e. The local social service agency shall document in the record whether the report is substantiated or unsubstantiated not more than 90 days after receipt of the initial report. At the conclusion of the investigation, the subjects of the report shall be notified in writing of the local social service agency's determination whether the report has been substantiated or unsubstantiated. The subjects of the report shall be notified of right to review the report pursuant to applicable Minnesota Law.

(1) Records relating to substantiated reports.

(a) Records relating to reports made pursuant to Minn. Stat. § 626.556, which are supported by evidence obtained during the local social service agency's investigation, shall be destroyed seven years after the date of the final entry in the case record.

(b) The name of the individual submitting the report shall be disclosed only upon court order, or with the knowledge and consent of the individual making the report.

(2) Records relating to unsubstantiated reports.

(a) Records relating to reports made pursuant to Minn. Stat. § 626.556 shall be destroyed immediately and the name of the individual submitting the report shall be disclosed upon request of the subjects of the report.

(b) Records relating to reports which upon initial investigation cannot be substantiated to the satisfaction of the local social service agency may be kept for one year. As the reports are clearly not unsubstantiated, the name of the individual submitting the report shall not be disclosed unless the report is found to be unsubstantiated, or one year passes, or with the

knowledge and consent of the individual submitting the report.

**(3) Reports to the State Agency.**

(a) Every incident of suspected physical or sexual abuse reported to the local social service agency shall be reported to the state agency on forms provided by the state agency.

(i) All reported incidents of physical or sexual abuse shall be sent to the state agency within 20 days after receipt of the report, except for the reports which are required to be sent to the state agency within 24 hours as defined in Section B.1.e.(3) (a) (ii).

(ii) The form must be submitted to the state agency within 24 hours for reports alleging that the perpetrator is a local staff person or for incidences occurring in a facility supervised or evaluated for licensing by the local social service agency. The report will be reviewed by state agency personnel for assurance that the child is being protected.

(iii) An amended report shall be forwarded to the state agency whenever reports are either substantiated or unsubstantiated.

(b) Reports to the state agency are summary data to be used for statistical purposes only. Identifying information about the child or its family or the individual suspected of perpetrating an incident of physical or sexual abuse should not be furnished to the state agency.

(c) The local social service agency must provide its county number as a prefix and the case number to all reports containing statistical data pertaining to physical or sexual abuse. This number will be used by the state agency to communicate with the local social service agency when it is necessary to amend previously submitted reports or identify those reports needing additional statistical data.

f. The agency shall offer the family services best adapted to need as determined by the investigation and evaluation.

(1) The family shall be informed of its right to accept or reject services.

(2) The local social service agency shall provide services to the family to help correct or alleviate the conditions of abuse or neglect.

(3) The local social service agency shall provide services that preserve the child within his own family unit and assure the child a safe environment.

(4) The family shall be informed of the agency's statutory authorization to seek court intervention when services are rejected and the child appears to need care or protection.

(5) When the need for removal of the child from his home is not emergent, the local social service agency should request permission of the juvenile court for sufficient time to place the child in an orderly fashion.

(a) When the child is removed from his home, the local social service agency shall obtain the consent of the child's parents for major decisions affecting the child. If the parents fail to consent, a court order may be obtained.

(b) The local social service agency shall attempt to obtain consent of the child's parents and juvenile court if a child under legal custody is to be placed in a facility outside of the state. If the parents refuse or fail to give consent, a juvenile court order is itself sufficient.

(c) The local social service agency shall provide the juvenile court written reports and recommendations at such times as the court may direct or prior to the expiration of any order giving them responsibility for a child.

**2. Administrative requirements.**

a. The local social service agency must provide for the availability of protective services 24 hours per day, seven days a week, for response to emergencies.

b. Every local social service agency shall designate a member of its staff to be responsible for the protective services program.

c. Each agency shall designate a licensed facility which can be available seven days a week for the emergency care of abused or neglected children.

(1) The local social service agency must designate a staff member to be responsible for placements in such facility under such conditions as it deems necessary.

(2) Emergency placements shall not exceed 30 days.

d. Every local social service agency shall coordinate its child protection activities with other agencies involved with the child's family, and may:

(1) Participate as a member of a team utilizing a multidisciplinary approach.

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(2) Not assign its primary statutory responsibility to another agency.

**DPW 208 Family planning services.**

**A. Introduction.**

1. This rule governs the provision of family planning services by the local social service agency.

2. The purpose of family planning services is to arrange for and provide social, educational, and medical services (including sterilization) and supplies to enable individuals to determine family size or prevent unplanned pregnancies.

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

**B. Administrative conditions.**

1. The local social service agency's family planning service shall include:

a. Counseling service to help clients decide whether they wish to use a family planning method.

b. Facilitative service, such as transportation and child care, to enable clients to avail themselves of family planning services.

c. Information about where medical contraceptive service can be obtained, and assistance in obtaining the service.

2. The local social service agency shall establish public information programs to inform the community and potential clients about the availability of family planning services from the agency.

**C. Individuals to be served.**

1. Family planning services shall be offered to all recipients of Aid to Families with Dependent Children (AFDC) and shall be provided to all such recipients who request it.

2. Individuals may not be denied family planning services on the basis of age or marital status.

3. Family planning shall be voluntary on the part of the client and may not be a prerequisite or impediment to eligibility for receipt of any other service or aid.

4. At the request of any individuals served by Minnesota state institutions, local social service agencies and mental health centers, information shall be provided relating to mandatory procedures governing consents for nontherapeutic sterilizations.



# Proposed Rulemaking

## DEPARTMENT OF PUBLIC WELFARE

### SERVICES TO MENTALLY RETARDED INDIVIDUALS

#### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1974), as amended, regarding the above-entitled matter, in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Tuesday, November 2, 1976, commencing at 9:00 A.M., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning the proposed Rule 185, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing. This hearing is authorized by Minn. Stat., chs. 15, 246, 253A, 256, and 257.

Minnesota Department of Public Welfare Rule 185 is designed to insure the availability and delivery of services to mentally retarded citizens residing in the state. As such, the rule follows recent state law and federal regulatory provisions and judicial decisions which require the provision of individualized services and developmental opportunities that approximate as nearly as possible, normal home-like, community patterns and conditions of living and learning to any person who is mentally retarded. This rule identifies the authority and responsibilities of the various area mental health boards, county welfare and human service boards throughout the state in planning, coordination, assistance and provision of direct services for the mentally retarded.

Under Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics

Commission as a lobbyist within five (5) days of the commencement of such activity by the individual. (The State Ethics Commission is located at Room 410, State Office Building, St. Paul, Minnesota 55155.)

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to Peter Erickson, Office of Hearing Examiner, 1745 University Avenue, St. Paul, Minnesota 55104, within 20 days following conclusion of the hearing. If the person submitting a written document cannot be present to read his statement at the hearing, the document will be entered into the record. For those persons wishing to submit written statements or exhibits, it is requested that at least three (3) copies of each statement, exhibit or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations sharing common viewpoints or interests in these proceedings join together where possible and present a single statement on behalf of such interests. All statements submitted should clearly identify the rule number to which the statement pertains.

Copies of the rule are now available and a free copy may be obtained by writing: Ardo Wrobel, Minnesota Department of Public Welfare, Mental Retardation Division, First Floor, Centennial Office Building, St. Paul, Minnesota 55155.

Vera J. Likins,  
Commissioner

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## Rules as Proposed

DPW 185 Community Mental Health Board and County Welfare or Human Service Board responsibilities to individuals who are mentally retarded.

### A. Introduction.

1. This rule governs the planning and provision of services to all individuals who are or may be mentally retarded. In addition, provision of Minn. Stat. § 252A.01 to Minn. Stat. § 252A.21, Mental Retardation Protection Act, are applicable to those mentally retarded persons under guardianship or conservatorship of the Commissioner.

### 2. Definitions:

a. **Community Mental Health Board:** Local area board or Human Service Board which receives grant-in-aid from the state agency, to plan for and facilitate programs in mental retardation and assure delivery of services.

b. **Day facility:** Placement less than 24-hours per day outside the home for purposes of acquiring self-care, remedial, developmental, or social skills.

c. **Local social service agency:** Local agency under the authority of the county welfare board or human service board which is responsible for social services and income maintenance.

d. **Mental retardation:** A mentally retarded person refers to any person who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior such as to require supervision and protection for his/her welfare or the public welfare.

(1) Intellectual functioning shall be assessed by one or more of the professionally recognized standardized tests developed for that purpose; significantly subaverage refers to performance which is approximately two or more standard deviations from the mean or average of the tests. Mental retardation under this rule includes manifestation during the developmental period (to 18 years of age), and brain injuries occurring in adult life.

(2) Adaptive behavior shall be determined through the use of published scales, or by a combination of pertinent test data, professional observations, and the utilization of all available sources of information regarding the person's behavior which indicates the effectiveness or degree with which the individual meets the standards of personal independence and social responsibilities expected of his/her age and peer cultural group.

e. **Residential facility:** Out of family home setting for purposes of acquiring self-care, remedial, developmental or social skills.

f. **State agency:** Minnesota Department of Public Welfare.

g. **Individual service plan:** An analysis by the local social service agency, for services needed by the client, including identification of the type of residential placement, and the general type of program required by the client to meet the assessed needs within a specified period of time.

h. **Individual program plan:** A detailed plan of the service provider setting forth both short-term and long-term goals with detailed methods for achieving movement toward the individual service plan of the local social service agency. (Rule 34 standards and ICF/MR regulations govern this in specific detail.)

### B. Standards for provision of services.

1. Services to individuals who are mentally retarded shall be based on the following standards:

a. To provide the person who is mentally retarded with an existence as close to normal as possible. This includes making available to him/her patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

b. To provide the person who is mentally retarded with an individual service plan which is designed to acquire new and progressively difficult skills. Such plan must take into consideration the presentation of learning and developmental experiences appropriate to his/her adaptive behavior levels, physical condition and degenerative status.

The individual service plan for the mentally retarded person must be based on a comprehensive assessment of needs, and periodic evaluation to determine appropriateness and effectiveness of the individual service plan.

c. To implement the client's service plan, plans shall be made in a manner which least restricts his/her personal freedom, but also carries out the goals and objectives for the individual. This shall mean:

(1) Providing assistance to enable him/her to live in his/her home.

(2) Providing a community-based residential facility with appropriate services when the mentally retarded person must leave his/her home for a specified purpose and period of time.

(3) Providing placement in a state hospital when the mentally retarded person cannot be served at home or in the community for a specified purpose and period of time.

**C. Responsibilities of the local social service agency.**

**1. Diagnosis of mental retardation.**

a. The local social service agency shall coordinate the diagnostic process, utilizing professionally qualified staff, and professional information and assistance from other sources, to secure diagnostic information.

b. The local social service agency shall make determination regarding the finding of mental retardation in the individual client, based upon interdisciplinary procedures identified in other sections of this rule. Such determination may be appealed to the commissioner of public welfare.

c. The following information is required for diagnosis of mental retardation:

(1) Diagnosis of intellectual functioning by one or more of the standardized tests developed for that purpose (and administered by a psychologist who is qualified in the diagnosis and treatment of mental retardation). [In parenthesis, from MR Protection Act.]

(2) Diagnosis of adaptive behavior on basis of a combination of pertinent test data which measure aspects of behavior, professional observation, and utilization of all available sources of information regarding the person's everyday behavior.

(3) Medical examination prepared under the direction of a licensed physician and which directs attention to sight, hearing, seizure problems, etc.

(4) Report by a social worker experienced in working with mentally retarded persons on client's social history and adjustment.

d. Diagnostic review shall be made when significant changes in behavior or functional levels occur, and at intervals not exceeding three years duration. Exception can be made in the case of adults who have been in a service plan for a period of ten or more years, and the original diagnosis has been twice confirmed. In such cases, diagnostic review can be accomplished by staff members in consultation, providing one member of the consulting team is a state licensed psychologist.

**2. Assessment of client needs and development of individual service plan.**

a. The local social service agency shall assist any person needing help who is or may be mentally retarded by assessing that person's needs and subsequently planning to meet those needs in cooperation and involvement of parents, relatives or guardian.

b. The following information, when appropriate, in addition to the diagnosis, is required in order to determine the individual service plan:

(1) Family history.

(2) Medical, prenatal, and birth history.

(3) Early development history.

(4) School reports indicating behavior and functional levels.

(5) Psychiatric evaluation, if indicated by the other reports.

(6) Vocational evaluation reports.

(7) Observations and interviews about family and the environment.

c. The local social service agency shall, in cooperation with the client and parents and/or guardian, develop an individual service plan which shall include:

(1) The Minnesota Developmental Programming System, or other instrument of comparable validity and reliability, shall be used to provide a standardized behavioral assessment prior to development of an individual service plan.

(2) Services to be provided shall be specifically individualized to meet the client's needs. Day-time activity center services, when determined appropriate in the individual service plan, shall be provided for preschool children who are mentally retarded or in the process of diagnosis, and adults, if such services can be obtained within reasonable travel distance.

(3) Provision for implementation of the individual service plan and arrangement for appropriate services.

(4) Provision for ensuring the delivery of services as provided in the individual service plan.

(5) Evaluation, with the assistance of qualified individuals, of the client's progress as described in the client's individual service plan.

(6) Payment for service when the individual, or parents of a child under 18 years of age, is unable or not required to pay.

3. The individual service plan shall be designed to provide services to the client in his/her home, and to strengthen family relationships, capabilities and responsibilities when placement in a day or residential facility is necessary. Such placement shall be made by

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the social service agency in order to carry out the individual service plan.

a. When placement in a day or residential facility is necessary, the local social service agency shall coordinate planning with the client, his/her family or representative, the residential or day facility resources, and the public school, if the client is a child.

(1) Arrangements for placement in a day or residential facility or state hospital shall be made by the local social service agency. When in the facility, the person continues to be the client of the local social service agency.

(2) Acceptance by the facility or state hospital shall be based on the goals and objectives of the individual service plan of the local social service agency, as agreed upon with the client, parent, and/or guardian. Acceptance shall constitute agreement that the facility or state hospital can carry out the goals and objectives of the individual service plan within a specified period of time.

(3) When a mentally retarded person is accepted in a day or residential facility, the facility staff shall be responsible, within 30 days of admission, for the development of an individual program plan based on the individual service plan of the local social service agency. The facility's individual program plan shall be approved by the local social service agency for implementation by facility staff.

(4) Placement of mentally retarded persons, or persons in the process of diagnosis, is restricted to residential facilities licensed under DPW Rule 34 and other applicable rules or their successor. Exception can be made (1) in the case of certification of need for hospitalization or need for a skilled nursing facility for skilled nursing care on a 24-hour per day basis, or (2) when the individual service plan calls for placement in a licensed foster home for four or fewer residents.

(5) When the local social service agency places a client in a residential facility located outside of that county, formal arrangements noted in the individual service plan must be made with the host county social service agency to carry out certain services. Primary responsibility, however, remains with the agency of legal responsibility.

#### D. Responsibilities of the Community Mental Health Board or Human Service Board.

1. The community mental health board or human service board, shall ensure participation of local social service agencies, other service providers and advocacy organizations in the planning and coordination of service delivery.

2. The board shall develop a service delivery plan for the area served on a biennial basis.

a. Copies of the plan shall be submitted to the state agency in approved format on or before July 1 of the year preceding the biennial legislative session for purposes of budget planning and legislative proposals.

b. The board shall provide or arrange for services needed, as specified in the service delivery plan, within the means provided in grants-in-aid by the state agency.

c. The board shall identify the service categories available in and outside of the geographical area for its mental retardation population.

d. The board shall identify in priority of need order services that are not available to its mental retardation population.

e. The board shall take the lead in the planning and development of services not available through service providers, public and private agencies, educational and judicial agencies.

3. The board shall provide psychological and psychiatric diagnostic evaluation, parental counseling and assistance in care planning for persons who are or may be mentally retarded as requested by the local social service agencies in the area served by the board.

4. The board shall submit a letter of recommendation to the commissioner concerning the need, location and program for facilities applying for license under Minn. Stat. § 252.28.

#### E. Service categories.

1. The following service categories, in alphabetical order, shall constitute the range of direct and indirect services needed for a service delivery system in an identified geographical area of the State of Minnesota for its mentally retarded population. These service categories shall be identified and availability arranged to assure delivery as needed.

a. Activity programs for adults: Activities which emphasize occupational and social goals which assist adults to become as self-dependent as possible and to make constructive use of leisure time. They are comprehensive and coordinated sets of activities providing personal care and other services to adult mentally retarded persons out of their own homes during a portion of the 24-hour day. Services may include a variety of creative, social, physical and learning activities based upon an appropriate assessment of need.

b. Assessment services: The systematic determination of pertinent physical, psychological, vocational, educational, cultural, social, economic, legal, environmental and other factors of the mentally retarded person and his/her family; to determine the extent to which the disability limits can be expected to limit the person's daily living and work activity; to determine

how and to what extent the disabling conditions may be expected to be minimized by services; to determine the nature and scope of services to be provided; to select service objectives which are commensurate with an individual service plan of action. It is to be followed at whatever intervals are needed by periodic reassessment; services are to be provided whenever necessary in the life of the individual. Assessment services are directed toward the effects of the disability and toward maximizing life functions in the face of remaining conditions.

**c. Basic developmental services:** Activities emphasizing maturation and supplementing the services provided by parents or parent surrogates. They are comprehensive and coordinated sets of developmental learning activities usually conducted outside the home during a portion of the day. These services include a variety of creative, social, physical, and learning activities selected in accordance with an appropriate assessment. The focus is upon the developmental schedule itself (individual program plan) and upon the acquisition of skills in self-care. This service should continue on a sustaining basis for those who would otherwise suffer loss of functional level.

**d. Case management (service management):** An expert person who provides coordination of all the case activities on behalf of the client of the local social service agency. The case manager is held responsible for mobilizing the resources needed, including especially those not provided directly by his/her own agency. It is a persuasive, rather than an administrative role. Case management is provided by a professionally qualified individual (typically not a volunteer) who has a limited but assigned number of clients.

**e. Client information and referral service:** Public information about services and procedures in obtaining them. This service may provide referral activity directly or may inform an inquirer. This client information and referral service may be on a face-to-face basis or may be available by telephone.

**f. Community services:** Mentally retarded people are ordinarily expected to make use of the same community services that are used by people who are not retarded. These services are not detailed because they are not specialized on behalf of the mentally retarded population.

**g. Counseling:** A face-to-face relationship with the mentally retarded individual and/or parent, siblings or other relatives in order to help the individual understand and accept his/her capabilities and limitations,

and to carry through on a program of adjustment and self-improvement. This requires knowledge of human behavior and the use of special interviewing skills to achieve specified goals mutually accepted by counselor and client (or parent/guardian). Counseling is an episodic activity carried out when the need arises. Its focus is upon the solution of specific problems.

**h. Diagnostic services:** Coordinated services including, but not limited to, psychological services, social services, medical and other services necessary to identify the presence of a disability, its causes and its complications. Diagnosis is a current assessment of the client's condition and shall be a guiding factor in the development of the individual service plan. Diagnostic review is to be made whenever necessary in the life of the mentally retarded person, according to C.1.d., of this rule.

**i. Domiciliary (residential) care:** Out of home living quarters, supervision and personal care to persons needing such care and services. Domiciliary care services differ from special living arrangements by its higher degree of supervision and the greater amount of personal care needed, as compared to s. — Special living arrangements.

**j. Family support services:** Those services which enable the family as a unit to meet the family-related needs of the mentally retarded person. Family support services may include any of the other defined services. It is distinguished in that it is given to the family in their homes.

**k. Follow along:** A monitoring relationship by the local social service agency on a life-long basis with retarded persons and their families, if needed. It is to assure that changes in need, progression to new levels of adaptive competence, and the problems arising from crises are recognized and appropriately met.

**l. Job placement services:** The process of securing employment. Competitive employment is employment offered under ordinary conditions and in competition with ordinary employees. Job placement services needed by mentally retarded persons are generally those of securing and adjusting to a job, with no implication that this is limited to a single time or period in the life of the person.

**m. Professional information and referral service:** an up-to-date and complete listing of all appropriate resources which can be made available and accessible to professional persons serving mentally retarded persons and their families so that they can be referred to the most appropriate and readily available resources.

**KEY:** New rules and both proposed and adopted additions to existing rules are printed in boldface. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

This kind of information and referral service is ordinarily not used by the client.

**n. Protective services:** Social, legal and other appropriate services which assist individuals who are unable to manage their own affairs or to protect themselves from neglect, exploitation or hazardous situations without assistance from others and to help them exercise their rights as citizens. Protective services may be an adjunct to parental responsibility, or they may be exercised in the absence of the responsible parent. Protective services should be selective in scope and should be limited to those aspects of life function in which a need is demonstrated. (See Minn. Stat. § 252A.01 - .21, MR Protection Act.)

**o. Recreation services:** Planned and supervised activities designed to help meet specific individual needs in self-expression, social interaction, athletic endeavors and entertainment; to develop skills and interests leading to enjoyable and constructive use of leisure time; and to improve his/her well-being. The service may include assistance to the individual in his/her use and access of normal community recreation activities.

**p. Service delivery system coordination:** Responsibility within a given community for the provision of the full-range of services. This is a planning and resource-mobilizing function rather than a direct service to clients. It is concerned with the structure and the availability of services rather than with the solution of personal problems. It must be provided in connection with a multi-service area of authority. Information and referral services shall be provided in conjunction with service coordination, and the two are typically inter-related.

**q. Sheltered employment:** A structured service providing partial self-support through the employment of the retarded worker under conditions which allow for low production rate, need for special work supervision, inability to handle a full range of job duties, or need for special job engineering and adaptive equipment. Sheltered employment is usually provided in sheltered workshops although it may be individually certified and secured in an otherwise competitive setting. It is offered under a Federal Wage and Hour certificate and must pay at least one-half the usual minimum wage. An individual may be temporarily certified for one-fourth the minimum wage during a training program. The sheltered workshop certificate may also cover payment of a limited wage during the time a client is in evaluation or training.

**r. Special education:** A structured learning experience, based upon appropriate assessment and through the use of a broad curriculum of practical academic subjects primarily designed to develop the ability to learn and to acquire useful knowledge and basic skills in its earliest stages. In its later stages, it

grades all the way through the equivalent of a secondary education and appropriately interacts with the occupational service system, such as work adjustment. Special education is legally required of the public school district acting either as direct provider or as purchaser of the service.

**s. Special living arrangements:** Living arrangements for persons who need some degree of supervision. Special living arrangements should provide at least counseling and leisure time activities in addition to living arrangements. The service is for disabled persons who can leave their place of residence for work, recreation or other reasons.

**t. Treatment services:** Interventions which halt, control or reverse those processes which cause, aggravate or complicate disability. Interventions may include treatment, such as surgical procedures, dietary controls, cosmetic therapy, chemotherapy or physical therapy, directed toward basic personal goals, dentistry, and medical treatments as indicated by the needs of the individual being served. Specialized medical and dental care are included.

**u. Training services:** Planned and systematic sequence of instruction in formal and informal activities based upon appropriate assessment and designed to develop skills in performing activities of daily living, including self-help, motor skills, and communications; to enhance emotional, personal, and social development; to provide experiences conducive to the acquisition of positive self-concepts and desire to learn; and to provide experiences basic to future productive activity. Emphasis is upon those skills needed to function as a member of the community. This service is not restricted to any particular age and can be offered at any appropriate time in the life of the individual who is mentally retarded.

**v. Transportation services:** Necessary travel and related costs in connection with transporting retarded persons to and from places in which they receive services. Transportation also includes taking services to the homebound, delivery of raw materials, and finished products from homebound industries when needed. The use of public transportation is included.

**w. Vocational evaluation:** Assessment of worker characteristics, through the use of real or simulated work tasks. The purpose is to assess occupational strengths and weaknesses, and potential for vocational development. It also includes prevocational evaluation and work evaluation. This requires the use of a rehabilitation facility or similar controlled experimental setting.

**x. Work activity:** It is for those whose productivity is negligible in that they cannot meet the demands of sheltered employment. For people who need a work setting as part of their program in order to foster a sense of self-worth through work while earning a below

minimum wage, it legally enables a wage to be paid. Work activity, in addition, includes a variety of creative, social physical and learning activities. Work activity may be provided only in facilities having a Federal Wage and Hour certificate for this purpose. It differs from activity programs for adults in that there is a significant productive element: it differs from sheltered employment in that it allows a wage of one-fourth the standard minimum.

y. Work adjustment: Learning activities typically involving real or simulated work tasks and situations. It is intended to assist a person to develop basic skills, attitudes, motivation, and work habits of the kind needed in competitive employment, sheltered employment or work activity. It develops social skills needed to function in a work environment. Its focus is upon basic employability rather than upon the skills of a specific occupation.

**KEY:** New rules and both proposed and adopted additions to existing rules are printed in boldface. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

# Official Notices

## DEPARTMENT OF AGRICULTURE

### Proposed Rules Governing the Livestock Market Agency and Dealer Licensing Program

#### Notice of Intent to Solicit Outside Opinion

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture has begun consideration of proposed rules governing the Livestock Market Agency and Dealer Licensing Program. In order to determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

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. A. C. Schloesser  
Minnesota Department of Agriculture  
422 Livestock Exchange Building  
South Saint Paul, Minnesota 55075

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-2292, and in person at the above address.

All statements of information and comment must be received by November 1, 1976. Any written material received by the department shall become part of the hearing record.

The proposed rules, if adopted, would establish rules for administering the provisions of Minn. Stat. ch. 17A relating to the licensing and bonding of livestock market agencies, livestock dealers, packing companies and their agents; and to the livestock weighing program.

A. C. Schloesser, Director  
Livestock Licensing and Weighing Division

## DEPARTMENT OF COMMERCE

### BANKING DIVISION

### Maximum Lawful Rate of Interest for Mortgages for the Month of October, 1976

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to the Conventional Home Loan Assistance and Protection Act, Laws of 1976, ch. 300, hereby determines the maximum lawful rate of interest for home mortgages for the month of October 1976 is Eight and Three-Quarters (8.75) percent.

Robert A. Mampel  
Commissioner of Banks

## ETHICAL PRACTICES BOARD

### Advisory Opinion #30 approved September 7, 1976

B. Allen Clutter, Executive Director  
Ethical Practices Board  
410 State Office Building  
St. Paul, Minnesota 55155  
Phone: (612) 296-5148

Dear Mr. Clutter:

As Executive Director of the Minnesota State Ethical Practices Board, you have requested an advisory opinion from the Board based upon the following hypothetical facts:

#### HYPOTHETICAL SITUATION

"X" was a candidate in 1974 for state representative. The principal campaign committee of "X" incurred a debt of \$1,000 which was outstanding and reported as outstanding on December 31, 1974. In 1975 an individual contributed \$50 to the principal campaign committee to pay off the outstanding debt.

Based on these hypothetical facts, you ask the following:

#### QUESTION

Are contributions made in 1975 by an individual to the principal campaign committee of a candidate in the 1974 election for the purpose of paying a debt incurred in election year 1974 subject to election year or non-election year limit?



## OPINION

Contributions made in 1975 by an individual<sup>1</sup> to the principal campaign committee of a candidate in the 1974 election for the purpose of repaying a debt reported outstanding on the Report of Receipt and Expenditures on December 31, 1974, are subject to a limit of 10% of the combined expenditure limits of both 1974 and 1975.

Minn. Stat. § 10A.27, subd. 1 (1974) sets different limits on the amount an individual might transfer (contribute) to the campaign committee of a candidate or might expend on behalf of a candidate in election and non-election years. In an election year an individual may not transfer funds nor make expenditures on behalf of the nomination or election of a candidate in excess of 10% of a candidate's election year expenditure limit as set forth in Minn. Stat. § 10A.25, subd. 2. In a non-election year an individual may not transfer (contribute) or make expenditures on behalf of the nomination or election of a candidate in excess of 10% of the non-election year limit which is 20%<sup>2</sup> of the election year figure as set forth in Min. Stat. § 10A.25, subd. 2.

In the opinion of the Board, the legislature did not intend to discourage the repayment of campaign debts from an election year. An individual who contributed 10% of the 1974 expenditure limit could not again give 10% of the 1974 election year expenditure limit in 1975, but he could not be prohibited from giving 10% of the non-election year limit in 1975. Therefore, it is the opinion of the Board that up to 10% of the combined expenditure limits for 1974 and 1975 could have been contributed in 1975 to repay a debt previously reported as outstanding on December 31, 1974, on the Report of Receipts and Expenditures, by a 1974 candidate.

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<sup>1</sup>Minn. Stat. § 10A.27, subd. 1 (1974) sets the same limits upon political funds and committees other than a political party or a candidate's principal campaign committee as it does an individual. However, "individual" will be used throughout this opinion to conform to the hypothetical.

<sup>2</sup>Minn. Stat. § 10A.25, subd. 6

## POLLUTION CONTROL AGENCY

### Proposed Rules Governing Use of Polychlorinated Biphenyls

#### Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota Pollution Control Agency has begun consideration of proposed rules governing the granting of certificates of exemption for the use, possession, sale, purchase or manufacture of polychlorinated biphenyls (PCBs) or products containing PCBs and establishing labeling requirements for products or materials containing PCBs. In order to adequately determine the nature and utility of such rules, the Minnesota Pollution Control Agency hereby requests information and comments from all interested persons or groups concerning the subject matter of the proposed rules.

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. Marvin E. Hora  
Minnesota Pollution Control Agency  
Division of Water Quality  
1935 West County Road B2  
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-7255, and in person at the above address.

All statements of information and comment must be received by October 15, 1976. Any written material received by the Agency shall become part of the hearing record.

The proposed rules, if adopted, would establish rules governing the application, issuance, modification, suspension and revocation of certificates of exemptions for the use, possession, sale, purchase or manufacture of PCBs or products containing PCBs. In addition, the rules would establish labeling requirements for products or materials containing PCBs.

# **PUBLIC SERVICE COMMISSION**

## **Declaration of Charitable Contributions as Utility Operating Expenses**

### **Notice of Intent to Solicit Outside Opinion**

NOTICE IS HEREBY GIVEN, that the Minnesota Public Service Commission (the "Commission") is seeking information and opinions from sources outside the Commission concerning the question, whether a Minnesota public utility should be allowed to include a reasonable amount of charitable contributions as a utility operating expense in a petition for an increase in rates. Inclusion of charitable contributions in a utility's rate structure for rate-making purposes has the effect of passing that expense on to the energy subscriber.

The Commission requests information and comments concerning this subject. Interested persons or groups may submit written statements to: Lawrence J. Anderson, Director, Minnesota Department of Public Service, 7th Floor, American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101. Oral statements will be received at a public hearing to be held for informational purposes by the Commission at 9:30 a.m. on October 19, 1976 in the Large Hearing Room, 7th Floor, American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota. Any person desiring further information on this subject should call (612) 296-7126 or (612) 296-7551.

Please take notice that no rule has been proposed by the Commission at this time. If, after the Commission's investigation, it determines that a rule on this subject should be proposed, further notice of the rule and of the hearings to be held on the rule will be given as required by law, including notice in the *State Register*.

All statements of information and comments which are received by the Commission shall become part of the record of the hearing in the event a rule governing this subject is proposed.

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