

# State

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STATE OF  
MINNESOTA

# Register

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# Rules

## DEPARTMENT OF PUBLIC WELFARE

### RULES GOVERNING SERVICES FOR THE DEAF

#### DPW 178 Services for the deaf

##### A. Introduction.

1. This rule governs the provisions of specialized services to deaf and hearing impaired individuals.

2. Services for the deaf are provided by a subdivision of the Minnesota Department of Public Welfare responsible for providing specialized social services throughout the state to deaf and hard-of-hearing individuals and their families needing or requesting such services.

3. Specialized services provided include counsel-

ing, information and referral, manual communication interpretation through the use of the language of signs, consultation and the maintenance of the Registry of the Deaf.

##### B. Eligibility.

1. Eligibility of deaf and heard-of-hearing residents of the state for services shall be based solely on the existence of a hearing impairment, without regard to financial status or other limiting factors.

2. The applicant shall provide medical documentation of hearing loss upon request.

**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.

# Proposed Rulemaking

## DEPARTMENT OF CORRECTIONS

### PROPOSED RULES GOVERNING THE IMPLEMENTATION AND OPERATION OF THE COMMUNITY CORRECTIONS ACT

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the State Office Building, Room 57, on November 17, 1976 commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Room number 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would facilitate the implementation of the Community Corrections Act and provide a framework within which services will be delivered and coordinated in the various areas of the state where this Act becomes operational. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Information Officer, Department of Corrections, Suite 480, Metro Square

Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 401.01 to 401.16. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual.

Department of Corrections  
Patrick D. McManus,  
Assistant Commissioner

#### Rules as Proposed

##### **CORR. 1 Introduction.**

A. The Community Corrections Act of 1973 (Minn. Stat. §§ 401.01 to 401.16) provides that the Commissioner of Corrections promulgate rules and standards relative to the implementation and operation of the Act. The rules which follow are intended to fulfill that requirement.

B. The purpose of these rules is to facilitate the implementation of the Act and to provide a framework within which services will be delivered and coordinated in the various areas of the state where the Act becomes operational.

C. The Community Corrections Act places a great deal of the responsibility for correctional planning and implementation at the local level. These rules are not intended to interfere with that process but rather to insure that the various planning efforts are compatible

with one another and with the basic requirements of all segments of the state's correctional system.

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

A. For the purposes of these rules:

1. The "Commissioner" shall mean the Commissioner of Corrections or his designee.

2. The "comprehensive plan" shall mean the working document developed by the local corrections advisory board for the implementation and operation of community based correctional programs pursuant to Minn. Stat. § 401.01, subd. 1 and providing for the central administration of the services and programs outlined in the document.

3. The "Community Corrections System" shall mean the organizational structure or network which

exists or is proposed to exist within the county which will enable the local criminal justice system and other elements of the community to utilize the correctional programs and services outlined in the comprehensive plan.

4. "Planning county" shall mean one or more contiguous counties subject to the provisions of Minn. Stat. § 401.02, subd. 1 and 401.02, subd. 2, which has established a local corrections advisory board for the purpose of developing a comprehensive plan.

5. A "participating county" shall mean one or more contiguous counties subject to the provisions of Minn. Stat. § 401.01, subd. 1 which has been designated by the Commissioner to receive funds under Minn. Stat. §§ 401.01 to 401.16 through the approval of the comprehensive plan.

6. A "unit of service" shall mean each project, program or activity outlined in the comprehensive plan including, but not limited to, probation/parole services, court service activities, jail programs, evaluation services, training and residential programs.

#### **CORR. 3 Application for participation.**

A. Application for participation by a county or group of counties pursuant to Minn. Stat. § 401.02, subd. 1 shall consist of a resolution expressing intent to participate under the provisions of the Community Corrections Act, (hereafter called the Act), provided subsidy funds are available.

B. Approval of the application by the Commissioner shall designate the county as a planning county pursuant to Minn. Stat. § 401.02, subd. 2 and shall establish that calendar year as the basis for determining the current level of spending referred to in Minn. Stat. § 401.12.

#### **CORR. 4 Development of a comprehensive plan.**

A. Each county or group of counties electing to participate under the provisions of the Act shall prepare and submit to the Commissioner a comprehensive plan developed according to the "Guidelines for the Preparation of Comprehensive Plans", prepared by the Commissioner and made available to all participating counties. Deviation from the "Guidelines" is allowable providing the county can demonstrate to the Commissioner that sound and thorough planning procedures were utilized in the preparation of the plan.

B. The Commissioner shall ensure that the local corrections advisory board and administrative (correc-

tional) staff of the county are provided with all necessary and available assistance, guidelines, and resources of the State Department of Corrections.

#### **CORR. 5 Changes in the comprehensive plan and budget.**

A. When a county wishes to change the comprehensive plan during the calendar year, it may do so by either amendment or transfer.

1. Amendments. Amendments shall be required when:

a. Units of service are being added or deleted from a comprehensive plan.

b. Subsidy funds in amount of \$5,000 or 5% of the total annual subsidy, whichever is greater, are being reallocated within or between units of service identified in the comprehensive plan.

c. Amendments to the comprehensive plan shall be processed and submitted in the same manner as the comprehensive plan, and shall be submitted at the end of any calendar quarter on forms provided by the Commissioner.

2. Transfers. Reallocation of subsidy funds less than \$5,000 or 5% of the total annual subsidy, whichever is greater, shall be accomplished by transfer on forms provided by the Commissioner. The transfer process requires only the approval of the administrator or director of the local community corrections system. All transfers of subsidy funds must be attached to the quarterly financial report for the period in which the transfer was made.

#### **CORR. 6 Information systems and evaluation.**

A. Each Community Corrections System shall develop and implement an Information System which shall be in compliance with applicable security and privacy regulations; shall be an offender based tracking system, including minimum data elements required for State and National reporting; and shall, on a quarterly basis, provide such data as may reasonably be requested by the Department of Corrections.

B. Each Community Corrections System shall develop and implement evaluation/research designs and processes according to the "Evaluation/Research Guidelines" prepared by the Commissioner. All Research and Information System designs must be approved by the Commissioner prior to implementation. Deviation from the "Guidelines" is allowable provided that designs are approved by the Commissioner.

**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.

C. A sum no less than the equivalent of 5% of the total subsidy amount made available according to the provision of the Act shall be used to develop and implement the Information System and Evaluation/Research.

**CORR. 7 Training/education.**

A. Each county or group of counties participating in the Act shall implement training/education programs necessary to meet the appropriate needs of line staff, administrative staff, the local corrections advisory board or major components of the local criminal justice system and the community at large. The Commissioner shall provide guidelines for the development of a training/education component of the comprehensive plan. Deviation from these guidelines is allowable provided that sound and thorough planning procedures were developed and that training/education needs are met.

B. A sum no less than the equivalent of 5% of the total subsidy amount made available through the provisions of the Act shall be used to develop and implement this component of the comprehensive plan.

**CORR. 8 Fiscal management.** A county shall designate one (1) person responsible for the supervision of all fiscal matters related to the subsidy received under the provisions of Minn. Stat. §§ 401.01 to 401.16. Said person shall comply with State and county rules governing the management of county funds and shall provide information to the Corrections advisory board and the Commissioner at least quarterly on forms provided by the Commissioner.

**CORR. 9 County assumption of state probation and parole cases.**

A. Each county participating under the Act shall provide a level of service to all interstate and intrastate probation and parole clients no less than that previously provided by the Commissioner as outlined in the State procedural Guidelines or as it may be modified by subsequent legislation.

B. The Department of Corrections Community Services Operating Procedures (Adult and Juvenile), the Minnesota Corrections Board Policies and Procedures and the Department of Corrections Juvenile Parole and Revocation Policies shall serve as guidelines. Deviation from these guidelines is permitted provided said deviation is mutually agreeable between the affected agencies.

C. The Commissioner will provide necessary orientation training for counties to assume probation and parole services previously provided by the State.

**CORR. 10 Use of existing community resources.**

A. Each Community Corrections System shall utilize

whenever possible agencies and organizations established in the community to deliver medical and mental health care, education, counseling and rehabilitative services, employment services and other similar social services. The local Community Corrections System shall, in planning its total range of correctional programs and projects, establish a presumption in favor of resources already existing in the community.

B. If the Community Corrections System intends to initiate services or programs which duplicate those already existing in the community, clear evidence must be presented in the comprehensive plan to demonstrate that such existing services are either inappropriate or unavailable to meet identified correctional needs.

C. Each Community Corrections System shall take steps to ensure that all clients of programs or projects under its jurisdiction have access to the same services, activities and opportunities available to citizens generally, provided that this access is consistent with the demonstrated needs of the program or project and the necessity to protect the public safety.

**CORR. 11 Program relevance to correctional objectives.** Each program specified in the comprehensive plan or designated to receive Community Corrections Act funds shall have a clear relationship to correctional objectives. Programs for which no reasonable relationship can be demonstrated between its activities and the protection of public safety or the prevention or reduction of criminal or delinquent behavior shall not be eligible for funds under the Community Corrections Act.

**CORR. 12 Local programs and services.**

A. Each Community Corrections System shall develop and make available to the directors of all programs utilized by the system, written rules, policies and procedures which will provide for at least the following:

1. Intake criteria. That all programs (other than conventional probation and parole supervision) shall develop and make available to appropriate referral sources a written policy establishing client eligibility criteria. The Community Corrections System shall regularly advise courts and sentencing judges of the extent and availability of services and programs within its system to permit proper sentencing decisions and realistic evaluation of alternatives.

2. Client case reporting. That a single case record for each individual admitted to a program or served by an agency be maintained by the agency or program director so as to contain clear, concise and accurate case information. Individual case records shall be maintained on a current basis and updated at least quarterly. Each client shall have access to all material in his/her

file, with the exception of that information determined to be confidential by law.

3. **Rights of offenders.** That the rights of offenders placed in, or receiving service from, any program included in the comprehensive plan shall be adequately protected.

4. **Compliance with rules.** That all programs in-

cluded in the comprehensive plan are in compliance with the applicable provisions of these rules as well as relevant local, State and Federal laws.

B. The above mentioned rules, policies and procedures shall be included in the first comprehensive plan submitted to the Commissioner following the formal promulgation of these present rules. Modifications shall be noted in subsequent comprehensive plans.

## ENERGY AGENCY

### PROPOSED RULES GOVERNING DECORATIVE GAS LAMP PROHIBITION VARIANCES

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Office of the Arrowhead Regional Development Commission, 200 Arrowhead Place (2nd Avenue and 2nd Street), Duluth, on November 10, 1976; at the Area Vocational Technical School, Highway 34 Northeast, Detroit Lakes, on November 18, 1976; at Martin Luther College, New Ulm, on November 22, 1976; at the Holiday Inn-Downtown, 220 South Broadway, Rochester, on November 23, 1976; and in Room 83 of the State Office Building, Wabasha Street between Aurora and Fuller, Saint Paul, on November 24, 1976. The hearing at each location will proceed from 1:00 p.m. to 5:00 p.m. and from 7:00 p.m. until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally or in writing at the hearing and written materials may be submitted by mail to Myron Greenberg, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8105 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would provide a framework for the exercise of the discretion vested in the director of the Minnesota Energy Agency by Laws of 1976, ch. 333 § 6 to grant variances to the prohibition on the use of decorative gas lamps in Minnesota established by Laws of 1976, ch. 333 § 5. The rules

specify the form that applications for variances must take and set forth the criteria by which such applications shall be evaluated.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Energy Agency, 740 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101. Copies will also be available at the door on the date of the hearing. The Agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 116H.08 (a) (1974). A statement of need presenting facts showing the need for and reasonableness of the proposed rules and a Statement of Evidence summarizing the evidence to be presented at the hearing in support of the proposed rules will be filed at the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the Ethical Practices Board, 410 State Office Building, St. Paul, Minnesota as a lobbyist within five days of the commencement of such activity by the individual.

John P. Millhone  
Director

**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.

## Rules as Proposed

### Chapter Twenty

**EA 2001 Purpose of rules.** The purpose of these rules is to specify the contents of applications for variances to the statutory prohibition on use of decorative gas lamps and to specify the criteria according to which variances shall be granted pursuant to Laws of 1976, ch. 333 § 6 (to be codified as Minn. Stat. § 116H.12, subd. 3b).

### EA 2002 Applicability of rules.

**A. Beginning April 21, 1977, no person shall use a decorative gas lamp, any device installed for the purpose of producing illumination by burning natural, mixed, or LP gas and utilizing either a mantle or an open flame, unless a variance has been granted pursuant to these rules.**

**B. Beginning April 21, 1977, no person shall provide replacement parts or service intended to maintain the operation of a decorative gas lamp unless the owner of such lamp has been granted a variance pursuant to these rules.**

**C. Exception.** These rules shall not apply to portable camp lanterns utilizing fuel oil, white gas, or LP gas.

### EA 2003 Application procedures and timing.

**A. Each applicant for a variance shall apply in the form prescribed by the director. See rule EA 2021.**

**B. The director shall make a decision on the variance application within 30 days of receipt of the application, provided the application as filed is complete.**

**C. The director shall notify an applicant within 15 days of the receipt of an application if the application is not complete. Upon such notification, the applicant may correct the deficiencies and resubmit the application. A decision shall be made on the revised application within 30 days of the date of resubmission, assuming it is then complete.**

**D. Upon making his decision, the director shall notify the applicant, the applicant's gas or LP gas supplier, and appropriate local law enforcement agencies.**

**E. Each variance granted by the director shall be nontransferable and nonassignable and shall be valid for a period of four years, provided, however, that a variance granted pursuant to rule EA 2011 B.1. shall be valid for the lifetime of the recipient.**

**EA 2004 Definitions.** For purpose of these rules, the following definitions shall apply:

**A. "Agency" means the Minnesota Energy Agency;**

**B. "Applicant" means the person submitting an application for a variance to the prohibition on use of decorative gas lamps;**

**C. "AMC per GLPG" means average marginal cost per gallon of LP gas. It is the annual cost to a person purchasing one additional gallon of LP gas per month divided by 12;**

**D. "AMC per KWH" means average marginal cost per kilowatt hour. It is the annual cost to a person purchasing one additional kilowatt hour of electricity each month for one year divided by 12;**

**E. "AMC per MCF" means average marginal cost per thousand cubic feet of natural or mixed gas. It is the annual cost to a person purchasing one additional MCF of natural or mixed gas each month for one year divided by 12;**

**F. "BTU" means British thermal unit, a common unit of energy measurement which is used in these rules for comparative purposes. For purposes of these rules one MCF of natural or mixed gas shall be considered to contain one million BTU's and one gallon of LP gas shall be considered to contain 93,000 BTU's;**

**G. "Complete Application" means an application which satisfies all of the requirements of these rules;**

**H. "Conversion cost" means the dollar cost of**

**1. adapting any decorative gas lamp to one producing light by electrical energy or**

**2. replacing the gas lamp with an electrical fixture that will provide an equivalent amount of light for the same location;**

**I. "Director" means the director of the Minnesota Energy Agency;**

**J. "Decorative Gas Lamp" means any device installed for the purpose of illumination by burning natural, mixed, or LP gas and utilizing either a mantle or an open flame, but does not include a portable camp lantern or gas lamp;**

**K. "KWH" means kilowatt hour (1,000 watt hours), a common unit of measurement for electrical energy. One kilowatt hour of electricity is equivalent to 3,412 BTU's;**

**L. "LP gas" means liquefied petroleum gas or propane;**

**M. "MCF" means 1,000 cubic feet, a common quantity for measurement of natural gas;**

**N. "Person" means any individual, partnership, corporation, joint stock company, unincorporated associa-**

tion or society, municipal corporation or any government or governmental subdivision, unit or agency, other than a court of law;

O. "Utility" means any entity engaged in the generation, transmission, or distribution of electric energy and any entity engaged in the transmission or distribution of natural or synthetic natural gas, including, but not limited to, a private investor-owned utility or a public or municipally owned utility.

#### EA 2011 Variance criteria.

A. Open-flame decorative gas lamps. No open-flame decorative gas lamps shall receive a variance from the director.

B. Decorative gas lamps with incandescent mantles. The director shall grant a variance to an applicant for decorative gas lamps with incandescent mantles if the applicant satisfies either of the following criteria:

1. Any homeowner who is at least 65 years of age as of the effective date of these rules and who resides at the location listed under rule EA 2012 C.2. shall receive a variance upon filing a complete application. In the case of joint ownership, the age of only the older owner shall be considered.

2. Any person who does not meet the criteria in EA 2011 B. 1. above shall receive a variance only if the lamp(s) for which the variance is sought cannot be economically converted to electricity. A lamp (lamps) cannot be economically converted to electricity if the total conversion cost (see rule EA 2031) exceeds the total economic benefit of conversion (see rule EA 2032).

#### EA 2021 Form of application.

A. Each applicant requesting a variance pursuant to rule EA 2011 B. 1. shall submit the following information:

1. the name of the owner of the decorative gas lamp(s) for which a variance is requested;

2. the complete address of the property where the lamp(s) are located;

3. the number of gas lamps at the location listed in EA 2021 A. 2. above for which the applicant is seeking a variance;

4. the complete name of the company or utility that provides gas burned by the gas lamp(s);

5. the birth date of the owner requesting the variance.

B. Each applicant requesting a variance pursuant to rule EA 2011 B. 2. shall supply the following information:

1. the name of the owner of the decorative gas lamp(s) for which a variance is requested;

2. the complete address of the owner of the lamp(s) and of the property where the lamp(s) is located. If decorative gas lamps are identified by different street addresses but are at physically contiguous locations one application shall suffice. However, where lamps are located on properties which are not physically contiguous, separate applications must be submitted;

3. the number of gas lamps at the location listed in EA 2021 B. 2. above for which the applicant is seeking a variance;

4. for each gas lamp in EA 2021 B. 3. above, the number of mantles and whether the mantles are inverted or upright;

5. for each gas lamp in EA 2021 B. 3. above, the manufacturer and the model number, if available;

6. the complete name of the utility that provides the gas burned by the gas lamps;

7. the complete name of the utility that supplies the applicant with electricity;

8. the total conversion cost for lamps in EA 2021 B. 3. above (see rule EA 2031);

9. the total economic benefit of conversion (see EA 2032).

C. Each application for a variance shall be verified, signed, and notarized.

EA 2031 Conversion cost. The total conversion cost can be established only by submitting with the application for variance complete copies of two independent, certified bids from licensed electricians for converting the gas lamps to electricity. The bids must be detailed — simple dollar figures are not sufficient. If the applicant owns ten or more decorative gas lamps which primarily provide security lighting, applicant shall also provide with the application two independent, certified bids from licensed electricians for replacing the gas lamps with high efficiency electric lighting, such as fluorescent, mercury vapor, or high or low pressure sodium lamps.

**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.

**EA 2032 Economic benefit of conversion.**

**A. The total economic benefit of conversion will be the sum of the economic benefits of conversion of all gas lamps for which the applicant is requesting a variance. Economic benefit varies with the number of mantles, the placement of the mantles — inverted or upright, and the fuel used — natural or LP gas. Alternative methods of determining the economic benefit of conversion are provided below. The applicant may accept and use the figure provided in the appropriate sub-paragraph lettered a, or the applicant may choose the alternative form provided in the appropriate sub-paragraph lettered b. If the applicant chooses to follow the latter alternative, the formula may be used in any of three ways. First, the applicant may make the necessary calculations himself. In that case, all the calculations and all figures used must be shown and included with the application with the source of all figures indicated. Second, the applicant may use the formula with the AMC figures obtained from his utilities. In that case, the applicant must attach to the application the written statements from the applicant's electric utility and his gas utility or supplier by which the applicant obtained the AMC figures. Third, the applicant may provide to the Energy Agency the applicant's total gas bill and total electric bill for the past 12 months expressed in dollars. The Agency staff will estimate the economic benefit of conversion for applicant's lamp(s) by using the bill totals provided and the current rates per unit of energy assessed by applicant's utilities for an average house with the same total electric and gas bills.**

**B. Gas lamps with one mantle.**

**1. Gas lamps burning natural gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$255, or**

**b. the quantity determined from the formula: (168 X AMC per MCF for natural gas) — (1460 X AMC per KWH for electricity).**

**2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$550, or**

**b. the quantity determined from the formula: (1805 X AMC per GLPG) — (1460 X AMC per KWH for electricity).**

**C. Gas lamps with two inverted mantles.**

**1. Gas lamps burning natural gas. An applicant**

**whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$230, or**

**b. the quantity determined from the formula: (168 X AMC per MCF of natural gas) — (2190 X AMC per KWH for electricity).**

**2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$525, or**

**b. the quantity determined from the formula: (1805 X AMC per GLPG) — (2190 X AMC per KWH for electricity).**

**D. Gas lamps with three inverted mantles.**

**1. Gas lamps burning natural gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$345, or**

**b. the quantity determined from the formula: (241 X AMC per MCF for natural gas) — (2738 X AMC per KWH for electricity).**

**2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp either of the following numbers:**

**a. \$765, or**

**b. the quantity determined from the formula: (2590 X AMC per GLPG) — (2738 X AMC per KWH for electricity).**

**E. Gas lamps with more than one upright mantle.**

**1. Gas lamps burning natural gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$255, or**

**b. the quantity determined from the formula: ((168 X AMC per MCF for natural gas) — (1460 X AMC per KWH for electricity)) X (the number of mantles in each gas lamp).**

**2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:**

**a. \$550 times the number of mantles in each gas lamp, or**

b. the quantity determined from the formula:  
((1805 X AMC per GLPG)  
— (1460 X AMC per KWH for electricity))  
X (the number of mantles in each gas lamp).

**F. Gas lamps with more than three inverted mantles.**

1. Gas lamps burning natural gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

a. \$115 times the number of mantles that each gas lamp has, or

b. the quantity determined from the formula:  
((84 X AMC per MCF for natural gas)

— (1095 X AMC per KWH for electricity))  
X (the number of mantles in each gas lamp).

2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

a. \$263 times the number of mantles that each gas lamp has, or

b. the quantity determined from the formula:  
((903 X AMC per GLPG)  
— (1095 X AMC per KWH for electricity))  
X (the number of mantles in each gas lamp).

## DEPARTMENT OF PUBLIC WELFARE

### PROPOSED RULES GOVERNING A PROGRAM FOR CHILDREN WHO ARE MENTALLY RETARDED AND PROPOSED RULES GOVERNING DENTAL CARE FOR SENIOR CITIZENS

#### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1975) regarding the above-entitled matter in the Centennial Office Building, Room A, 658 Cedar Street. St. Paul, Minnesota, on Monday, November 15, 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 proposed DPW 19 and 59, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

DPW 19, Experimental Program for Home Care and Training of Mentally Retarded Children, governs the administration of financial subsidies to parents of retarded children for specified purposes. This program is designed to promote home care as an alternative to institutionalization.

DPW 59, Pilot Dental Care Programs for Senior Citizens, governs the financing and selection of two pilot programs which will provide specified dental services to randomly selected participants.

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 Ethical Practices Board as a lobbyist within five (5) days of the commencement of such activity by the individual. The Ethical Practices Board 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 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

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single statement on behalf of such interests. All statements submitted should clearly identify the rule number to which the statement pertains.

DPW 19 and 59 were previously heard in public hearing on July 9, 1976. The rules are being reheard without change from their previous version because inadequate notice of hearing was given for the July 9th hearing.

Copies of the rules are now available and may be

obtained by writing: DPW 59 - Ted Gredvig, Minnesota Department of Public Welfare, Aging Division, 204 Metro Square, St. Paul, Minnesota 55101; and DPW 19 - Ardo Wrobel, Minnesota Department of Public Welfare, Mental Retardation Division, Centennial Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Vera J. Likins  
Commissioner

## Rules as Proposed

**DPW 19 - Experimental program for the home care and training of children who are mentally retarded.**

### A. Introduction.

1. This rule governs the administration of reimbursement to local boards for the cost of home care and training of children who are mentally retarded pursuant to this program of family subsidy.

### 2. Definitions.

a. Child — Any person under the chronological age of 18 years.

b. Home — The home of the natural, adoptive or step parent(s), or legal guardian, in which the child is or would be living for purposes of this experimental program.

c. Licensed Community Residential Facility for Mentally Retarded Persons — A facility which is licensed under DPW 34 and the Minnesota Department of Health rules for supervised living facilities.

d. Local Board — A county welfare/human service board established under the authority of Minn. Stat. ch. 393 or ch. 402, as amended.

e. Mentally Retarded Person — 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 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 degree with which the individual meets the standards of personal independence and social responsibilities expected of his age and peer group.

f. Minnesota Developmental Programming System (MDPS) Behavioral Scales — A tool used in assessing mentally retarded persons to assess their behavioral skills, provide a basis for planning programs to increase their skills and consequently their independence, and determine what new behavioral skills have been acquired over a period of time.

g. Parent — A natural, adoptive or step father or mother or a legal guardian.

h. State Agency — Minnesota Department of Public Welfare.

### B. Eligibility for participation in the program.

1. This program shall be for those children who, at the time of application, are residing in Minnesota and (a) who are living at home, or (b) who are residing in a state hospital or in a licensed community residential facility for the mentally retarded who, under this program, would return to their own home. Those children living at home must also be determined by the local board eligible for placement in a state hospital or a licensed community residential facility for the mentally retarded.

2. Each child considered for participation shall have been diagnosed as mentally retarded.

3. Parent(s) of children participating in this program shall be informed by the local board that this program is experimental in nature, and that due to its experimental nature, those parent(s) must consent, in writing, to the following conditions:

a. Participation in the behavioral assessment of the child by means of the Minnesota Developmental Programming System which will be provided by the local board.

b. Furnishing sociodemographic data about the home environment.

c. Participation in evaluating the child's progress toward meeting his goals in the individualized treatment plan on a quarterly schedule.

Parent(s) shall also be informed by the local board that the program is financed through June 30, 1977, and that continuation will be contingent upon success of the program and further appropriations by the Minnesota Legislature.

The state agency and local board shall assure in writing to the parent(s) that his participation and furnishing information for the purposes of evaluation will be solely for the purposes of evaluating the program and that all data collected will be rigorously safeguarded with regard to confidentiality of data. All data accumulated on the child, his program and his environment will be available to the parent(s).

4. Acceptance and approval of applications by the state agency with priority given on the basis of the following factors:

- a. Severely handicapped persons.
- b. Degree of need in family environment (i.e. single parent families).
- c. Potential for greatest benefit - i.e. degree of developmental advancement as measured by the Minnesota Developmental Programming System.

**C. Procedures.**

1. Application is submitted by the local board to the Commissioner, Department of Public Welfare, Mental Retardation Division, Centennial Office Building, St. Paul, Minnesota 55155, ATTENTION: Director.

Application must include:

- a. Application for social services, DPW-1400.
- b. Service plan and agreement, DPW-1950.
- c. Diagnostic data.
- d. Evidence of eligibility for institutionalization.
- e. Grant amount requested for services specified in C. 1. b

Forms DPW-1400 and 1950 are not to be used to determine financial eligibility for grants but for identifying informational and defining needed services.

2. The local board shall provide the state agency with quarterly progress reports concerning progress of

the child. Quarterly progress report forms will be furnished by the state agency upon acceptance of the child into the program.

3. Upon approval by the state agency, the local board shall make grants to the parent(s) of the mentally retarded child. The grant shall be an amount equal to the direct costs of the services outlined in the service agreement subject to a maximum of \$250 per month. The costs shall include one or more of the services provided in Minn. Stat. § 252.27, subd. 4, or related services stipulated in the individual program plan. Reimbursable costs shall not include resources already available such as special education classes, daytime activity center programs, or medical costs covered by insurance if these resources are available at no cost to the child or parent(s).

**D. Payment.**

1. Local boards shall receive quarterly reimbursements from the state agency by filing the prescribed claim forms.

DPW 59 Pilot dental care programs for senior citizens.

**A. Applicability and purpose.**

1. Authority. This rule is enacted pursuant to the statutory authority vested in the Commissioner of Public Welfare pursuant to Laws of 1976, ch. 305, requiring the Commissioner to establish two pilot programs to provide dental care to senior citizens.

2. Objectives. The objectives of the pilot dental programs for senior citizens are:

- a. To determine the need for and feasibility of establishing a statewide dental program for eligible senior citizens;
- b. To determine the optimal method of providing dental service;
- c. To determine whether the provision of dental service causes the general health of the participants to be improved;
- d. To determine whether the provision of dental services to the eligible senior citizens provides comparable benefits to society as if provided to others.

**B. Definitions. For the purpose of this rule:**

1. "Commissioner" shall mean Commissioner of the Department of Public Welfare.
2. "Pilot Program Area" shall mean that geo-

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graphic area from which a pilot program shall draw its pool of applicants.

3. "Random selection" shall mean selection of a group of participants from the eligible applicants in such a manner that each person has an equal chance of being selected.

C. Service contract. The Commissioner shall contract for the provision and financing of dental services on the basis of proposals addressing the following items:

1. Cost of premiums or service.
2. Provision of data on utilization and types of dental care provided.
3. Accessibility of dental services.
4. Collection and submittal of evaluation questionnaire prescribed by the Commissioner.
5. Random selection of participants from a pool of eligible applicants.

D. Public information. The Commissioner shall be responsible for providing public information within the pilot program areas and shall receive all applications from residents of the pilot program areas. The Commissioner shall review all applications and determine eligibility. Participants shall then be selected at random from the pool of eligible applicants.

E. Task force. The Commissioner shall appoint a seven member advisory task force to advise on the operation of the pilot programs. All members shall be 62 years of age or over.

F. Pilot program area. The two pilot program areas shall be selected by the Commissioner with the advice of the seven-member advisory task force. One pilot program shall be located within the seven-county metro-

politan area and the other shall be located elsewhere in the state. Criteria for selection of the pilot program areas shall be:

1. Availability of dental services — this means an adequate number of dentists to handle the patient load.
2. Availability of an adequate number of potentially eligible participants so that a random selection can be made.

G. Payment. The full cost of premiums for participation in each pilot program shall be paid by the Commissioner for the selected participants. The cost of the dental services equal to at least 80 percent of the usual, customary and reasonable fee of the treating dentist, will be paid by the dental carrier with no deductible amount. Participants shall be responsible for the remaining 20 percent of the fee and for any dental services in excess of \$500 per participant per year.

H. Evaluation and report. The Commissioner shall evaluate and report the results of the pilot programs to the Legislature by January 2, 1978. The reports shall include but not be limited to:

1. The optimal methods of providing dental services including the cost effectiveness of each;
2. The effect, if any, upon the general health of the individual receiving the dental services;
3. The extent and quality of dental services provided by the pilot program;
4. The number of participants in each pilot program; and
5. The types of dental care most used or needed by the participants.

## DEPARTMENT OF TRANSPORTATION

### PROPOSED RULES RELATING TO STATE AID OPERATIONS

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Room 14, State Office Building, Park Avenue, between Aurora and Fuller, Saint Paul, Minnesota 55155 on November 12, 1976, commencing at 9:00 A.M., and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail

to Myron Greenberg, Hearing Examiner, Office of the Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104.

Said statements may be provided either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would authorize the expenditure of county turnback account monies on town road bridge structures, among other matters. Included are a number of changes to existing rules which are deemed to be of a housekeeping nature due to the

passage of related Minnesota law bearing on the rules. The attached list of parts affected speaks to these proposals. A copy of the proposed rules appears below. Additional copies will be available at the door on the date of the hearing. The Commissioner's authority to promulgate the proposed rules is contained in Minn. Stat., chs. 15, 161 and 162, as amended. The Commissioner is required by Minn. Stat. § 162.02, subd. 1 and § 162.09, subd. 1 to adopt rules governing the establishment, location, construction, reconstruction, improvement and maintenance of county and municipal state-aid public highways.

A "statement of need" explaining why the Department of Transportation feels the proposed rules are

necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Jim Harrington  
Commissioner

### Synopsis of Proposed Changes

#### I. Proposed Changes to Hwy 32:

Minor changes are made throughout Hwy 32 such as:  
Deletion of the term "Reg." or "Regulations"  
Deletion of the term "villages and boroughs"

#### Part C. — Definitions:

- C.4. ....  
The responsibilities of the County Engineer are becoming more diverse. Therefore, some counties are changing the title of the County Engineer to more appropriately identify this new authority. Change is necessary to recognize title.
- C.5. ....  
Same as C.4. The change is necessary to recognize new title.
- C.11. ....  
The definition of "advance encumbrance" has been rewritten to be more easily interpreted and to include Trunk Highway Turnback monies.
- C.12. ....  
"Systems" is proper word usage.
- C.16. ....  
The rules have been broadened in Part M. to create the possibilities of remunerating Disaster Committees, and is defined in this part for informational purposes.
- C.17. ....  
Same as C.16. The rules have been broadened to recognize the Local Road Research Board.

- C.19. ....  
Same as C.18. The rules have been broadened to recognize the Town Bridge Account.

#### Part E. — Selection and designation of state-aid systems:

- E.1.b.1. ....  
Law permits mileage in excess of 30,000 miles (see Minn. Stat. § 162.02, subd. 11).
- E.1.b.2. ....  
Minn. Stat. § 162.09 now provides for a municipal State-Aid street system of 2,000 miles. The rules have been modified to recognize the increase in mileage from 1,500 to 2,000 plus turn-back mileage.
- E.2. ....  
References to right of way have been deleted from State-Aid System selection criteria as they do not play a role in selection. The language has been included in Part H., "State-Aid Standards".
- E.2.a.1. & 2. ....  
Every county and urban municipality in Minnesota has an approved functional plan. The plan identifies those roads and streets in the County or Municipality of higher value as arterials or collectors. The revision of 1. to part E., "Selection and Designation of State-Aid Systems", 2. Criteria etc. enhances the State-Aid system.
- E.2.a.2.(a) ....  
By changing the word "plants" to "areas" provides a broader interpretation.

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- E.2.a.2.(v) .....  
Deletion acceptable as E.2.a.1. as revised covers.
- E.2.a.(4) .....  
Removal of word "local" removes any possible misinterpretation as to traffic demands.
- E.2.b.iii. & iv. ....  
Deletion acceptable as revision of E.2.b.1. and b.3. covers these two areas.
- E.2.b.3. ....  
To provide an integrated transportation system, continuity of the systems is necessary. This is a criteria for present county State-Aid designation and should be required of municipal state-aid streets also. Supports language under E.
- E.3.b. ....  
This portion of the rules is outdated and is deleted. There are no trunk highways which were turned back to local authority prior to July 1, 1965 that are presently eligible for turnback funds.

**Part F. — State-Aid apportionments:**

- F.1.a. ....  
"City" engineer conforms to 5. under C. Definitions.
- F.1.c. ....  
The respective screening committees have the authority by law to recommend to the Commissioner of Highways the money needs to be used in determining the annual allocation to the respective counties and municipalities. The accumulation of substantial state-aid funds over a period of years indicates that a county or municipality is not expending their monies and thereby reducing their needs. The screening committees thereby adjust the needs of those counties and municipalities with large State-Aid balances. By revising the rule as indicated, the screening committees may also analyze federal allocations and if a county or municipality does not utilize their federal allocations, needs adjustments may be in order.  
  
This procedure is deemed a method of equalizing needs, as a county or municipality that continually expands their state or federal allocations reduces their needs and resultant state-aid apportionment. A county or municipality that accumulates their allocations earns needs on mileage that would have been improved had their allocations been utilized.
- F.2.b. ....  
Language revised to conform to law.

- F.5. ....  
The clause dealing with "semi-annual" statements relates more to part G. "State-Aid Payments" and has therefore been deleted and re-inserted at a later point.

**Part G. — State-Aid payments:**

- G.1.c. ....  
The terms "County Maintenance" have been added to clearly identify a specific apportionment. The deletion of the word "will" and the addition of the words "may, upon recommendation of the Screening Committee or " gives authority to the Screening Committee to review requests made by Counties for transfer of construction monies to maintenance accounts and gives the Screening Committee authority to make recommendations to the Commissioner of Highways relative to any such requests. The Commissioner of Highways will make the final decision as to such requests. This procedure also will permit monies allocated for maintenance of trunk highway turnbacks, as authorized by Screening Committee resolution, to be credited to the specific maintenance account of the affected county.
- G.1.d. ....  
Municipal Screening Committee resolutions allow specific monies to be allocated for maintenance of Trunk Highway turnbacks until such time as the Truck Highway turnbacks are reconstructed with monies from turnback accounts. The rules at present do not permit a specific amount to be credited to the maintenance account. This change will permit maintenance monies for Trunk Highway turnbacks be in addition to the normal maintenance allocation.
- G.1. (ff) .....  
This clause has been deleted for purposes of clarity and simplicity, since it is not a necessary rule. A County or Municipality may request additional maintenance monies pursuant to the rules in part G.1.c. & d.
- G.2.b. ....  
The revision of this clause has the effect of allowing or providing for all federal aid contracts.
- G.2.e.1. ....  
Experience indicates that due to inflationary trends 5% is not a realistic amount for engineering costs. The revision permits payment up to 8% of the total contract or agreement amount. Revision also permits Commissioner to request documentation if engineering costs seem unduly high.

- G.2.h. ....  
Revised to permit G.2.h.1. & 2.
- G.2.h.1. ....  
The 1975 Legislature enacted law to permit transfer of county municipal funds to the county regular account. This rule speaks to that law. (Minn. Stat. § 162.08, subd. 4)
- G.2.k. ....  
The addition of reference to Chapter 443 from the 1965 Legislative session is "housekeeping" in nature and is necessary to recognize special bonding permitted for the City of St. Louis Park for which state-aid maintenance monies may be used for payment of interest on the bonds.
- G.3. ....  
This clause was previously under part F. "State-Aid Apportionments", and has been relocated without change to a more appropriate area within the rule.
- G.4.d. ....  
To eliminate minor claims for "disaster", it was deemed advisable to initiate a minimum amount, relative to a county or municipal state-aid allotment, in order to qualify as a "disaster". Changing the redeposit from the disaster account to the respective State-Aid account has the effect of eliminating the possibility of depositing an excess amount in the disaster accounts.
- G.4.f. ....  
This paragraph has been revised and relocated under I. "State-Aid Operations" 3. The new language inserted was previously contained in part i, clause 4. The modifications are necessary due to recent legislation amending Minn. Stat. § 161.082.
- G.4.f. (i) & (ii) ....  
These paragraphs have been revised and relocated under part I., "State-Aid Operations" at Clause 3.
- G.4. (f) ....  
A new subclause has been added and was necessary to establish a formula to distribute monies to the Town Bridge Account.
- G.4. (f) (2) ....  
This subclause was previously under part I., "State-Aid Operations", Clause 4.aa. It has been revised to include Town Bridge Accounts.

- G.4. (f) (3) ....  
This subclause will permit counties or municipalities the privilege of advancing local monies for construction of trunk highway turnback and will allow the State to reimburse the counties or municipalities from future turnback funds. It establishes a limitation as to how much money can be advanced.
- G.4. (f) (4) ....  
This subclause is similar to subclause 3. It will permit a town to advance local money for construction of a town bridge and be reimbursed from future allocations.
- G.4. (f) (5) ....  
Partially eligible projects are no longer in existence. The subclause has been modified to reflect this.
- G.4. (f) (6) ....  
This subclause is necessary in order to administer payments from Town Bridge Account funds and is consistent with other State-Aid Procedures.

Part H. — State-Aid standards:

- H.3. ....  
This clause was previously contained within part E. "Selection and Designation of State-Aid Systems" at clause 2, Criteria, and under part I. "State-Aid Operations". There is no change in language.

Part I. — State-Aid operations:

- I.1.a.2. ....  
Minnesota law provides for the annual inspection of all bridges by the counties. Additional added language is intended to provide for maintenance monies to be expended for bridge inspection.
- I.1.a.4. ....  
Revision includes all pavements.
- I.1.a.6. ....  
Previously under I.1.aa.vi. Revised to include utilities.
- I.1.b.1. ....  
Revised to delete obsolete data and to specify specific manual.

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- I.3. . . . . This clause has been relocated to part H., "State-Aid Standards". No change in wording.
- I.4. & aa.old . . . . . Turnback Accounts has been revised and inserted under part G. "State-Aid Payments", clause 4. Other authorized payments, ff. Turnback Accounts.
- I.3.new . . . . . This clause was previously under clause G., "State-Aid Payments" 3. Other authorized payments, ff. Turnback Accounts. It has been slightly rewritten to include town road bridges as provided in law.
- I.3.a.1. . . . . There is not sufficient monies in the turnback account to reconstruct in the time frame as originally established. The revision of this subclause will permit projects to be approved for construction and tabled until monies are available. The subclause was originally under part G., Clause 4.ff.i.
- I.3.a.2. . . . . This clause has been added to establish criteria

- for the approval of town bridge reconstruction or replacement.
- I.3.b. . . . . Revised to include town bridges, with superfluous language deleted.
- I.3.c. . . . . Revised to include town bridges. Revision of 1.3aa. permits deletion of language requiring resubmittal of plans.

Part K. — General state-aid limitations:

- K.3. . . . . This language has been modified to bring it into conformance with State Statutes.

Part O. — Severability

- O. . . . . Addition of this paragraph provides that any portion of these Rules declared void will not affect other Rules.

II. Hwy. 32A is entirely new matter arrived at subsequent to the first hearing held on June 24, 1976. This matter results from Laws of 1976, ch. 339.

### Rules as Proposed

Hwy 32 Rules [and Regulations] for State-Aid operations under Minnesota Statutes [1965], 1974, Chapters 161 and 162, as amended.

A. Purpose. The purpose of Minnesota [Reg.] Rule Hwy 32 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes [1965], 1974, Chapter 162, as amended.

B. Scope. The scope of Minnesota [Reg.] Rule Hwy 32 is confined within the framework of and consistent with Minnesota Statutes [1965], 1974, Chapters 161 and 162, as amended.

C. Definitions. For purposes of Minnesota [Reg.]

Rule Hwy 32 the following terms shall mean:

1. Commissioner. The Commissioner of [Highways] **Transportation**.
2. State-Aid Engineer. The State-Aid engineer of the Minnesota [Highway Department] **Department of Transportation**.
3. District Engineer. A district engineer of the Minnesota [Highway Department] **Department of Transportation** or his State-Aid assistant.
4. County Engineer. [The County Engineer of

each respective county.] **A registered engineer employed as the county engineer or the director of public works—county engineer of each county.**

5. City Engineer. [The City Engineer of each respective urban municipality] **A registered engineer employed as the city engineer or the director of public works—city engineer of each urban municipality.**

6. Needs Report. A report of the estimated construction cost required to improve a State-Aid system to standards adequate for future traffic on a uniform basis.

7. County-Municipal Account. A separate record of that portion of the County State-Aid highway funds allocated for expenditure solely within cities, [villages, and boroughs] having less than 5,000 population.

8. Urban Municipality. Any city, [village, or borough] having 5,000 or more population, determined in accordance with the provisions of law.

9. Local Highway or Street Departments. The highway or appropriate department of each county and each urban municipality.

10. Township Allotment. The county apportionment of County State-Aid highway funds for use in the construction of township roads.

11. **Advance Encumbrance.** The authorized expenditure [by a county or urban municipality from other available funds], **of local funds, in lieu of State-Aid funds, by a county or urban municipality for use on an approved [County] State-Aid [Highway or Municipal Street-Aid Street] project. [under an] By agreement with the commissioner, the local funds will be repaid to the county or urban municipality [for repayment] from future county or municipal State-Aid allotments or from future county or municipal turnback funds.**

12. **Screening Committee.** The county or municipal committee, appointed in accordance with law, and authorized to recommend to the commissioner the mileage and money needs for each of their [bodies] **State-Aid systems.**

13. **Disaster Account.** The accounts provided by law for use in aiding a county or urban municipality that has suffered a serious damage to its County State-Aid highway system or Municipal State-Aid street system from fire, flood, tornado or other uncontrollable forces of such proportion that the cost of repairs to such County State-Aid highway system or Municipal State-Aid street system is beyond the normal resources of the county or urban municipality.

14. **Trunk Highway Turnback.** **A former trunk highway or portion thereof that has reverted to a county or municipality in accordance with law.**

15. **Turnback Accounts.** The respective accounts provided by law for payment to a county or urban municipality for the reconstruction and improvement of former trunk highways that have reverted to the county or municipality and have become part of the State-Aid system.

16. **Disaster Committee.** **A committee, appointed in accordance with the law, to investigate and report its findings and recommendations to the commissioner as to a county's or urban municipality's claim of a disaster or unforeseen event affecting its County State-Aid highway or Municipal State-Aid street system and resulting in a financial hardship.**

17. **Local Road Research Board.** **A board appointed in accordance with these rules to recommend specific research projects to the commissioner.**

18. **Town Bridge Needs.** **The estimated construction costs required to improve or replace town bridges to standards adequate for future traffic on a uniform basis.**

19. **Town Bridge Account.** **The apportionment of County State-Aid turnback funds for use in the**

**construction or reconstruction of bridges on township roads.**

20. **Functional Classification Plan.** **A plan by which highways and streets are grouped into classes according to the character of service they are intended to provide.**

D. **Organization and powers of local highway departments.** Each county and each urban municipality shall establish and maintain a highway or street department. Such departments shall be adequately organized, staffed, and equipped to administer for the county or urban municipality all matters relating to the operations of the State-Aid program and to exercise all functions, incidental thereto, in accordance with law. All preparation of plans and specifications, and the supervision of construction and maintenance shall be under the control and direction of a professional engineer, registered in the State of Minnesota and employed or retained for that purpose.

E. **Selection and designation of state-aid systems.** The State-Aid highways and streets designated to form the basis for a long range improvement program shall, in general, be so selected as to form an integrated network of highways and streets in accordance with the following provisions:

1. **Systems.**

a. Final selection of routes to be included in the respective County State-Aid and Municipal State-Aid systems shall be subject to the approval of the commissioner.

b. The highway and street systems to be selected and designated in accordance with law are:

(1) County State-Aid highway system not exceeding 30,000 miles in extent, **excluding trunk highway turnback mileage.**

(2) Municipal State-Aid Street system not exceeding [1,500] **2,000** miles in extent within urban municipalities, **excluding trunk highway turnback mileage.**

2. **Criteria.** [Highways and streets selected and designated as a part of the County State-Aid or Municipal State-Aid systems shall have, prior to construction, a minimum right-of-way of sixty (60) feet within municipalities and sixty-six (66) feet in rural areas, except for modifications that are approved by the Commissioner. In rural areas, the counties shall acquire control of such additional right-of-way as may be necessary to properly maintain the ditch section. These] **State-Aid**

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routes shall be selected on the basis of the following criteria:

a. County state-aid highways which:

(1) Carry relatively heavier traffic volumes or are functionally classified as collector or arterial as identified on the county's functional plans as approved by the county board;

(2) And connect towns, communities, shipping points, and markets within a county or in adjacent counties;

(a) Or provide access to rural churches, schools, community meeting halls, industrial [plants] areas, state institutions, and recreational areas;

(b) Or serve as principal rural mail routes and school bus routes;

[(v) Or act as collectors of traffic from several roads of local interest;]

(3) And occur at reasonable intervals consistent with the density of population;

(4) And provide an integrated and coordinated highway system, affording within practical limits a State-Aid highway network consistent with [local] traffic demands.

b. Municipal state-aid streets which:

(1) Carry relatively heavier traffic volumes or are functionally classified as collector or arterial as identified on the urban municipality's functional plan as approved by the urban municipality's governing body;

(2) And connect the points of major traffic interest within an urban municipality;

[(iii) Or connect with rural roads or urban routes of community interest and carry major traffic into and through an urban municipality;]

[(iv) And form a system of streets which will effectively serve traffic within the urban municipality.]

(3) And provide an integrated street system affording within practical limits a State-Aid street network consistent with traffic demands.

3. Route designations. All County State-Aid highways and Municipal State-Aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. Within three months after receipt by the commissioner of each such resolution and recommendation, he shall approve all or such part of said highway or street designations con-

tained in the resolution, as complies with the criteria and other requirements set out in these [regulations] rules. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of their resolution. All highways or streets so approved shall become a part of the County State-Aid highway system or the Municipal State-Aid street system, subject to such additions or revisions as may be, from time to time, requested and approved.

a. Turnback designations. [New] Prior to release of a former trunk highway to the jurisdiction of a county or urban municipality, the commissioner shall notify the board of county commissioners or the governing body of the urban municipality, through its county or city engineer, which portions of the turnback are eligible for designation as part of its State-Aid system. Upon a request for the designation of such eligible portions from the board of county commissioners or the governing body of the urban municipality, the commissioner shall issue the official order for designation and notify the county or municipal screening committee of this action.

[(bb) Turnback Designations Old. These former trunk highways that were reverted to local jurisdiction after January 1, 1957, and prior to July 1, 1965, and which had subsequently been designated as a County State-Aid Highway or Municipal State-Aid Street shall be eligible for payment on the basis set forth in Minn. Reg. Hwy. 32, (g) (3) (ff) (ii), Partial Eligibility.]

F. State-Aid apportionments. All State-Aid apportionments shall be made from the County State-Aid highway fund and the Municipal State-Aid street fund [respectively], as provided by law. Apportionments to the respective counties and urban municipalities shall be released in accordance with Minnesota [Reg.] Rule Hwy. 32, G. [of these regulations.]

1. Money needs.

a. Construction costs estimates. To provide data to implement the formulas for State-Aid apportionment, each county engineer and [urban municipal] city engineer shall prepare cost estimates of construction required to improve his County State-Aid or Municipal State-Aid system to approved standards.

b. Incidental costs. In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items will be considered as eligible for inclusion in the total estimate of needs:

(1) County state-aid highways:

(a) Automatic traffic control signals.

(b) Lighting of intersections and bridges within approved standards.

(c) Proportionate share of all drainage costs within municipalities, to reflect the responsibility of the State-Aid highway.

(2) Municipal state-aid streets:

(a) Right-of-way.

(b) Automatic traffic control signals.

(c) Lighting of intersections and bridges within approved standards.

(d) Proportionate share of all drainage costs, to reflect the responsibility of the State-Aid street.

c. Deductible items. The respective screening committees shall consider reports from the commissioner, [listing] **consisting of, but not limited to**, the County State-Aid allotments to townships, or the Municipal State-Aid payments on state trunk highways or County State-Aid highways, covering all said allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each such county or municipality, in order to equalize their status with other counties or municipalities not making similar expenditures [of their approved State-Aid system.]

2. Screening committees.

a. Annual reports. A detailed report of the State-Aid mileage and cost estimates shall be tabulated and referred to the respective screening committees appointed pursuant to law. These committees shall investigate and review all such mileage, cost estimates and the reports of those expenditures listed under deductible items, and shall, on or before the first day of November of each year, submit their findings and recommendations in writing as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective committees.

b. Local road research account. Within the limitations provided by law, the respective screening committees shall annually determine, and recommend, the amount the commissioner shall set aside from the County State-Aid highway fund or the Municipal State-Aid street fund, for the purpose of local road research. These funds, along with such Federal funds as may be provided, shall be used [solely] for conducting research [in methods of, and materials for, the construction and maintenance of county and municipal state-aid highway and streets] **as provided by law**. The use and proportionate share of such county and municipal funds shall be as specifically authorized in the project approval as provided for in Minnesota [Reg.] **Rule Hwy. 32, [(f) (1)] L, 5, c(2)**.

3. Compilation of data by commissioner. The commissioner shall determine the apportionment percentage due each county and urban municipality in accordance with the formulas established by law.

4. Notice of annual apportionment. Not later than January 25 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

[5. Semi-annual statements. Within Thirty (30) days after the close of each six (6) month period, the Commissioner shall submit to each county or urban municipality semi-annual statements as to the status of the respective state-aid accounts.]

G. State-Aid payments. Annual apportionments to the respective counties and to urban municipalities shall be released in the following manner:

1. Maintenance apportionments. As soon as the annual county and urban municipal State-Aid allotments have been determined, the commissioner shall apportion and set aside the following amounts:

a. County—regular account. Forty percent of the regular County State-Aid allotment for the general maintenance of County State-Aid highways.

b. County—municipal account. Forty percent of the County-Municipal Account allotment for the maintenance of County-State-Aid highways within municipalities of less than 5,000 population.

c. Revisions of county maintenance apportionments. The commissioner [will] **may, upon recommendation of the screening committee or upon receipt of a resolution from a county board, and for good cause shown, increase or decrease the proportion to be used for maintenance under either Minnesota [Reg.] Rule Hwy. 32, G, 1, a and/or b above.**

d. Urban account. Twenty-five percent of the total allocation, or \$1,500.00 per mile of improved municipal State-Aid streets, whichever is the least, as the minimum allotment for the general maintenance of the approved State-Aid system. **The commissioner may modify the minimum payment to the extent necessary to accommodate the screening committee resolutions pertaining to trunk highway turnback maintenance allowances.** Those municipalities desiring to receive an amount greater than the established minimum shall file a request not later than December 15 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

e. Transfer of unexpended balance. Any un-

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obligated balance remaining in the State-Aid maintenance account to the credit of any county or urban municipality, after final settlement has been made for the annual maintenance expenditures, shall be automatically transferred to the construction account of said county or municipality.

[(ff) Advance encumbrance for maintenance. Counties and Urban Municipalities. When the Commissioner approves a request from a county or urban municipality for authority to advance their local funds against future accruals to their State-Aid Maintenance Account, because of an unusually burdensome or unprecedented condition requiring funds over and above the normal State-Aid Maintenance allotment, such local expenditures will be repaid from their subsequent State-Aid Maintenance allotments.]

f. Payment schedule. At the earliest practical date, after the allotments have been determined, the commissioner shall release the following amounts to the respective counties and urban municipalities:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county that has filed a request for advance payments prior to the annual apportionment in January of each year. Such request shall include the estimate of the maintenance expenditures anticipated within said account during the calendar year.

(3) Fifty percent of the maintenance allotment to each urban municipality.

g. On or about July 1 of each year, the commissioner shall release an additional advance from the respective maintenance accounts listed above, in an amount not to exceed forty percent of the total maintenance allocations. The commissioner shall retain the remaining amounts within said allocations pending determination of the final amount due, based upon a report of actual maintenance expenditures and receipt of the district engineer's certification of acceptable maintenance performance. Urban municipalities receiving the minimum maintenance allotment as outlined in Minnesota [Reg.] Rule Hwy. 32, G, 1, d above will be eligible to receive the balance remaining in their maintenance account upon the commissioner's receipt of the district engineer's certification of acceptable maintenance.

2. Construction apportionments. The construction portion of the annual allocation to each county and urban municipality shall be credited to their respective accounts and retained by the Commissioner for payment on approved projects in accordance with the following procedure:

a. State-Aid contracts. The Commissioner, upon receipt of an abstract of bids and a certification as to the execution of a contract and bond therein, shall promptly release from the funds available to said county or urban municipality up to ninety percent of the State-Aid portion of said contract. The commissioner, unless otherwise requested, shall retain the remaining percentage of the State-Aid share of said contract, provided funds are available therefor, until the final cost is determined and the project accepted by the district engineer.

b. Federal-Aid [secondary] contracts. The commissioner, under authority of an agency agreement with the governing body of a county [board] or urban municipality, and acting as its agent in Federal-Aid operations, will release from State-Aid funds available therefor, ninety percent of the county's or urban municipality's share of the entire contract obligation for immediate redeposit in an agency account, to be used in paying the county's or urban municipality's share of the partial estimates and for advancing the federal share of such estimate payments. The commissioner shall retain the remaining percentage of the contract cost of said project until the final cost is determined and the project accepted by the district engineer. Where other than [County] State-Aid [Highway] funds are to be used for depositing in the agency account, [not less than (90)] one hundred percent of the [county] local governmental share of said contract amounts [in the agency account, the details for such deposits] shall be deposited in the agency account prior to award of the contract [set forth in the respective agency agreements].

c. Force Account agreements. Partial estimates will be accepted on all projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available therefor ninety percent of the cost of current accomplishments as reported by said partial estimates. Upon request of the county or urban municipality, the commissioner will set aside and retain their State-Aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when final estimate is submitted and upon acceptance by the district engineer.

d. Payment limitations. Approval of State-Aid projects by the Commissioner does not imply that State-Aid payments will be made in excess of the construction funds available from current State-Aid allotments. Any county or urban municipality having depleted their currently available funds during the calendar year will not be eligible for reimbursement from future allotments unless request for advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

e. Engineering costs.

(1) Preliminary engineering. Requests for reimbursement of preliminary engineering costs shall be submitted with the report of State-Aid contract or with the initial partial estimate on an approved force account project. The commissioner shall upon receipt of such request **supplemented by such documentation as may be requested by the commissioner** authorize the reimbursement for actual engineering costs, [not to exceed five (5) percent of the total estimated construction costs. Where actual preliminary engineering costs are not available from the normal records of the county or urban municipality, reimbursement can be made on the basis of costs determined to be reasonable, but] not to exceed [five (5)] **eight** percent of the total estimated contract or agreement amount.

(2) Construction engineering. Requests for payment of construction engineering costs shall be submitted along with the final estimate report. The commissioner shall upon receipt of such request, authorize a construction engineering payment which will either be limited to five percent of the eligible construction costs where there are no unusual traffic or construction problems, or which may at the commissioner's discretion be paid in the maximum amount of ten percent of said construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

f. Right-of-way. State-Aid payments for right-of way costs on approved projects shall be limited to ninety percent of the approved claim until the acquisition of all right-of-way required for the project is actually completed and the final costs established.

g. Advances from county funds. When the commissioner approves a request from the county board for the construction of an approved County State-Aid project, which requires County State-Aid highway funds in excess of the available allotment and which excess costs will be initially paid for from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay those locally financed expenditures out of subsequent construction apportionments to the county's State-Aid account in accordance with the terms and conditions specified in the approved request.

h. Advance of [regular] county state-aid highway funds. [to municipal account. Where the Commissioner approves a request from the county board for the advance of regular County State-Aid Highway Funds for use on a municipal section of an approved

County State-Aid Highway project, and where repayments to the Regular Account of the County State-Aid Highway Fund are to be made from subsequent accruals to the county's Municipal Account, such repayments will be made by the Commissioner, to the extent authorized by law, in the form of transfers from the county's Municipal Account to their Regular Account, in the amounts and at the time specified in the authorization.]

(1) Advance of county regular account funds to county municipal account fund. Where the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved County State-Aid highway project, and where repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, such repayments will be made by the commissioner, to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and at the time specified in the authorization.

(2) Advance of county municipal account funds to county regular account fund. The commissioner may approve a request from a county board for the advance of County Municipal Account funds for use on an approved County State-Aid highway project provided that notification pursuant to law has been given those municipalities within the county having a population less than 5,000. Advances from the county municipal account fund to the county regular account fund must be repaid to the county municipal account fund from monies accruing to the county regular account fund within a maximum of five years unless the terms and conditions of repayment are otherwise agreed by the county and the governing bodies of those cities within the county having a population of less than 5,000. Repayments will be made by the commissioner to the extent authorized by law, in the form of transfers from the county regular account fund to the county municipal account fund, in the amounts and at the time specified in the agreement.

i. Advances from urban municipal funds. When the commissioner approves a request from the governing body of an eligible urban municipality for the construction of an approved Municipal State-Aid street project, which requires funds in excess of the available allotment and which excess costs will be initially paid from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay these locally financed expenditures out of subsequent construction apportionments to the urban

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municipal account of that municipality in accordance with the terms and conditions specified in the approved request.

j. County or municipal bond account. Any county or urban municipality that resolves to issue bonds payable from the appropriate State-Aid fund in accordance with law for the purpose of establishing, locating, relocating, construction, reconstructing or improving State-Aid streets or highways under its jurisdiction shall certify to the commissioner within thirty days following issuance of the bond, the amount of the total obligation and the amount of principal and interest that will be required annually to liquidate the bonded debt. The commissioner shall set up a bond account therefor, itemizing the total amount of principal and interest involved and he shall annually certify to the [state auditor] **Commissioner of Finance** the amount needed from the appropriate State-Aid construction fund to pay the principal due on the obligation, and the amount needed from the appropriate State-Aid maintenance fund to pay the current interest. Proceeds from bond sales are to be expended only on approved State-Aid projects and for items determined to be eligible for State-Aid reimbursement. A county or urban municipality which intends to expend bond funds on a specific State-Aid project shall notify the commissioner of this intent forthwith upon the award of contract or the execution of a force account agreement. Upon completion of each such project, a statement of final construction costs shall be furnished to the commissioner by the county or the urban municipality.

k. Municipal state-aid funds for county state-aid or trunk highway projects. The governing body of an urban municipality desiring to use a portion of its State-Aid funds for improvements within its boundaries of any state trunk highway or County State-Aid highway, shall request such authorization by resolution. Before any such funds are released for said purposes, the resolution shall be approved by the commissioner. A copy of the approved resolution shall be filed with the State-Aid engineer. This subparagraph does not apply to payments made for interest on bonds sold under **Laws of Minnesota 1959, Chapter 538 and Laws of Minnesota 1965, Chapter 443.**

**3. Semi-annual statements.** Within thirty days after the close of each six month period, the commissioner shall submit to each county or urban municipality semi-annual statements as to the status of its respective State-Aid accounts.

4. Other authorized payments. Certain specific allotments or transfers of State-Aid funds have been authorized by law. These will be processed as hereinafter provided:

a. Transfers for hardship conditions or other local use. The county board or governing body of any

urban municipality desiring to use a part of its State-Aid funds for this purpose shall certify to the commissioner either that all of its existing State-Aid routes are improved to State-Aid standards or that it is experiencing a hardship condition in regard to financing its local roads or streets, while holding its current road and bridge levy equal to or greater than said levy for previous years. Where a hardship transfer is requested, the commissioner may require fiscal information showing the extent of the financial deficiency. Within thirty days of the receipt of a request for transfer, the commissioner shall act to authorize or deny the transfer of State-Aid funds for use outside of the approved State-Aid system. Upon approval of the requested transfer, the commissioner without requiring any progress reports, shall within thirty days, authorize immediate payment of not less than fifty percent of the total amount authorized, with the balance to be paid within ninety days; or schedule immediate payment of the entire amount authorized if he determines there are sufficient funds available.

b. Township allotments. Upon receipt of a certified copy of a county board resolution, allocating a specific amount of its County State-Aid construction funds for aid to its townships, which resolution shall indicate compliance with the law governing such allocations and be forwarded to the commissioner on or before the second Tuesday of January of each year, the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.

c. Construction of selected park projects. As provided by law, a portion of the County State-Aid highways funds shall be set aside and used for the construction, reconstruction and improvement of County State-Aid highways which provide access to the headquarters of or the principal parking lot located within a state park. Such funds, so set aside, may be expended for this purpose only on a request from the Commissioner of [Conservation] **Natural Resources**. Projects so selected will be approved by the Commissioner of Highways in accordance with the procedure established for other State-Aid operations.

d. Disaster account. Any disaster appropriation approved by the Commissioner for a county or urban municipality in accordance with law, shall be promptly paid to the county or urban municipality for which such appropriation was authorized. The funds so allotted and paid to the county or urban municipality can only be spent for the purpose for which they were authorized, and within a reasonable time period specified by the commissioner. Forthwith upon completion of the work for which the disaster payment was made, or the expiration of the time specified for doing such work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the

authorized work completed, and showing the total expenditure made therein. In the event the total disaster allotment was not required or used for the purpose specified, the remainder shall be promptly returned to the commissioner for redeposit in the County State-Aid highway fund or the Municipal State-Aid streets fund, as the case may be, and apportioned by law. [in the disaster account from which it was obtained.] **Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual State-Aid allotment to the county or urban municipality before the commissioner shall authorize the disaster committee to inspect the disaster area.**

e. Research account. County and Municipal State-Aid funds that may be annually allocated to the research account shall be used solely for those research projects recommended by the local road research board and approved by the commissioner. Unexpended balances in this account shall at the end of each year be transferred back to the State-Aid fund from which they were obtained.

f. Turnback accounts. [The funds in the County and Urban Municipal Turnback Accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth herein. These payments shall be made at the times and in the amounts hereinafter specified.] **A percentage of the Net Highway User Tax Distribution Fund has been set aside by law and apportioned to separate accounts in the County State-Aid highway fund and the Municipal State-Aid street fund, and respectively identified as the county turnback account and the municipal turnback account. Further, a percentage of the county turnback account has been set aside and shall be used for replacement or reconstruction of town bridges, 20 feet or more in length, in those counties that have two or more towns, pursuant to law. This latter account shall be known as the county town bridge account.**

[(i) Full eligibility. Any former trunk highway reverted to county or municipal jurisdiction subsequent to July 1, 1965 and which is part of the County State-Aid Highway or Municipal State-Aid Systems, shall be fully eligible for payment to the County or Municipality of all costs covering the reconstruction and improvement of said highway as detailed on approved plans. The duration of eligibility for the initial construction of such projects shall be limited to a period of five years from the date of reversion to the date of

plan approval. After plan approval for the construction of the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each such approved project shall be advanced to construction status, within one year after plan approval. Payment for such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.]

[(ii) Partial eligibility. The Commissioner may, at the request of a county or urban municipality and upon recommendation of the district engineer, approve for partial payment with turnback funds, a reconstruction or improvement project on a former trunk highway that was reverted to local jurisdiction after January 1, 1957 and prior to July 1, 1965 and which is part of either the county state-aid highway or municipal state-aid street systems. Such projects to be eligible for payment of turnback funds must have the contract awarded or force account agreement signed prior to July 1, 1970. Participation of county or municipal turnback funds on approved state-aid turnback projects within this category shall be limited to 50% of the total cost of said reconstruction or improvement project.]

(1) **Town bridge monies allocation.** The sums of monies set aside for town bridges shall be allocated to the eligible counties on the basis of town bridge needs.

(2) **Surplus turnback funds.** At any time the commissioner determines that either the county or municipal turnback accounts, notwithstanding the town-bridge accounts, has accumulated a surplus not needed for turnback purposes, he shall properly notify the ((state auditor)) Commissioner of Finance requesting the transfer of such surplus to the respective County State-Aid highway fund or Municipal State-Aid street fund for apportionment as provided by law.

(3) **Advances from county or urban municipal funds.** When the commissioner approves a request from the governing body of a county or urban municipality for the construction of an approved County State-Aid or Municipal State-Aid turnback project which will require funds in excess of the available turnback fund balance and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent apportionments to the county's or urban municipality's turnback fund in accordance with the terms and conditions specified

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in the approved request. The total of such advances to be reimbursed from the respective turnback funds shall not exceed forty percent of the last county or municipal turnback allotment. Any advances shall be repaid in accordance with the terms of the approved request from money accruing to the respective turnback funds.

(4) **Advances from the town bridge account.** When the commissioner approves a request from the governing body of a county for the replacement or reconstruction of a town bridge which will require funds in excess of the county's available town bridge account and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent apportionments to the town bridge account in accordance with the terms and conditions specified in the approved request. The total of such advances to be reimbursed from the town bridge account shall not exceed forty percent of the last town bridge apportionment. Any advances shall be repaid in accordance with terms of the approved request from monies accruing to the respective town bridge accounts.

(5) **Release of turnback account funds.** Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an [fully] eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to ninety percent of the turnback share of said contract. [or on a partially eligible project, the Commissioner shall release to a county or urban municipality from turnback account funds up to 90% of the turnback share of said contract.] The commissioner shall retain the remaining percentage of the turnback share of said contract, until the final cost is determined and the project accepted by the district engineer. On force account agreements partial estimates will be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall release from the respective turnback account ninety percent of the value as reported by said partial estimates on an [fully] eligible turnback project. [and 90% of the turnback share as reported on a partially eligible turnback project.] Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project shall be submitted and payment will be authorized in accordance with [and regulations] — Minnesota [Reg.] Rule Hwy. 32, G, 2, e (1), (2) engineering costs.

(6) **Release of town bridge account funds.** Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to ninety percent of the town bridge account share of said contract. The commissioner shall retain the remaining ten percent until

the final cost is determined and the project is accepted by the district engineer.

H. State-Aid standards. Subject to approval by the commissioner, geometric design standards shall be cooperatively determined for use on all County State-Aid highways and Municipal State-Aid streets.

1. Geometric design standards.

a. Adoption. The commissioner in cooperation with representatives of the Minnesota County Highway Engineers Association or the City [and Village] Engineers Association of Minnesota, as the case may be, shall establish desirable minimum geometric design standards for use in improving County State-Aid highways and Municipal State-Aid streets.

b. Revisions. When need for revision of State-Aid standards arises, the commissioner shall confer with representatives of the county or city engineers associations and determine such change as might be necessary or desirable, and cause such change to be made in the same manner as outlined above.

2. Specifications. Specifications for construction shall be the latest approved Minnesota Department of Highways specifications, except as modified by special provisions which set forth conditions or requirements for work or materials not covered by the approved specifications, or which set forth conditions or requirements to meet exigencies of construction peculiar to the approved project.

3. **Right-of-Way.** The minimum widths of right-of-way for all State-Aid routes shall be not less than sixty feet within municipalities and sixty-six feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the commissioner. Prior to construction the counties shall acquire control of such additional widths of Right-of-way in rural areas, as may be necessary to properly maintain the ditch section.

I. State-Aid operations. State-Aid funds allotted to counties and urban municipalities shall be expended in accordance with the following provisions:

1. Maintenance.

a. The commissioner shall require a reasonable standard of maintenance on all State-Aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition and the traffic being served. This maintenance shall be considered to include, but shall not be limited to:

(1) The maintenance of all road surfaces, shoulders, ditches and slopes and the cutting of brush and weeds;

(2) The maintenance and inspection of all bridge, culverts and other drainage structures;

(3) The maintenance of all regulatory and direction signs, markers, traffic control devices and protective structures in conformance with the current manual on **uniform** traffic control devices and consistent with state-wide application;

(4) The striping of all [properly cured bituminous] pavements of 22 feet or more in width, consistent with the traffic service provided, and for which there are no pending improvements;

(5) The enforcement of parallel parking on any approved State-Aid project;

(6) The exclusion of advertising signs, billboards, buildings and other privately owned installations **other than utilities of public interest** from the right of way of any approved State-Aid projects.

b. **Unsatisfactory maintenance.** When, in the opinion of the commissioner, the maintenance of any County or Municipal State-Aid route is determined to be unsatisfactory, he shall retain up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds so retained shall be held to the credit of that county or **urban** municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

(1) **Route markers.** [On or before January 1, 1973] Approved route markers shall be installed on all rural County State-Aid highways in accordance with the current manual on **uniform** traffic control devices. Failure to comply with this requirement shall result in the withholding of ten percent of the annual maintenance allocation until such markers are properly installed.

c. **Biennial report.** The commissioner's biennial report to the legislature shall enumerate all such funds retained more than ninety days, together with an explanation for this action.

2. **Construction.** Survey, plans and estimates for all State-Aid projects shall be made by or under the immediate direction of the county or city engineer in accordance with standards as to form and arrangement prescribed by the commissioner.

a. **Plans and estimates.** Plans and estimates for each State-Aid construction project must be submitted for review. Each plan shall show all subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which plans are approved by the State-Aid engineer prior to the award

of contract or approval of a force account agreement shall be eligible for State-Aid construction funds.

b. **Project numbers.** Approved projects will be assigned State-Aid project numbers and shall be so identified in records of the State Highway Department and the local governmental unit.

c. **Contract information.** Upon award of a State-Aid contract by any county or urban municipality the engineer thereof shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for said approved construction work.

d. **Force account.** Any county or urban municipality desiring to use funds credited to it on a force account basis shall have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices, which shall be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out taxes and contractor's profit. Such requests shall contain a complete list of pay items and the unit prices at which it is proposed to do the work. Prior to the approval by the commissioner, the district engineer shall file his recommendations with the commissioner as to the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements shall be considered incidental work not eligible for State-Aid payment.

e. **Project reports.** Prior to final acceptance of each construction project by the commissioner, the county engineer or the city engineer shall submit to the commissioner such final project records as the commissioner may deem necessary or desirable.

f. **Project payments.** On all State-Aid construction projects, the commissioner shall pay a maximum of ninety percent of the contract amount, or of each partial estimate in the case of force account agreements, until final acceptance of the completed work. Upon receipt of required reports and data and a recommendation of final acceptance by the district engineer, the commissioner shall, within the limits of funds available therefor, authorize final payment for said project within the limitation hereinbefore established.

[(3) **Right-of-way.** The minimum widths of right-of-way for all State-Aid routes shall be not less than sixty (60) feet within municipalities and sixty-six (66) feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the

**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.

Commissioner. Prior to construction the counties shall acquire control of such additional widths of right-of-way in rural areas, as may be necessary to properly maintain the ditch section.]

3. Turnback accounts. [a percentage of the Net Highway User Tax Distribution Fund has been set aside by law and apportioned to separate accounts in the County State-Aid Highway Fund and the Municipal State-Aid Street Fund, respectively identified as the County Turnback Account and the Municipal Turnback account.] **The funds in the county and municipal turnback accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth herein. Further, a percentage of the county turnback account has been set aside, as provided by law, and shall be used for replacement or reconstruction of town road bridges that are 20 feet or more in length in those counties that have two or more towns.**

[(aa) Surplus turnback funds. At any time the Commissioner determined that either the County or Municipal Turnback Accounts has accumulated a surplus not needed for Turnback purposes, he shall properly notify the State Auditor requesting the transfer of such surplus to the respective County State-Aid Highway Fund or Municipal State-Aid Street Fund for apportionment as provided by law.]

**a. Eligibility.**

(1) Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the County State-Aid highway or Municipal State-Aid street systems, shall be eligible for payment from the turnback account to the county or urban municipality of all costs covering the reconstruction and improvement of said highways as detailed on approved plans. Approval of plans for the initial construction of such projects shall be limited to a period of five years from the date of reversion. After plan approval for the construction of the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each such approved project shall be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for the construction of said project. Payment for such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.

(2) Any town bridge, 20 feet or more in length, is eligible for replacement or reconstruction if after all pertinent data supplied by local citizenry, local units of government, the Regional Development Com-

mission or the Metropolitan Council, is reviewed by the county board and a formal resolution by the county board is adopted identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties will be limited to fifty percent of the cost of the bridge, and will be made in accordance with Minnesota Rule Hwy. 32 G. 3, F, (4).

b. Plan approval and construction requirements. Plans for all County or Municipal State-Aid turnback or town bridge projects must be submitted to the commissioner and be approved before any reconstruction or improvement work is undertaken. All of the State-Aid rules [and Regulations] that are [not in] consistent with the turnback regulations shall apply to all projects to be financed from the county or municipal turnback accounts or the town bridge account.

c. Construction authorization. As soon as the plans for a State-Aid turnback or town bridge project are approved, the county or urban municipality shall be furnished either an authorization to proceed with construction or a notice that sufficient funds are not available within the applicable turnback account or town bridge account and that a priority has been established for said project for construction authorization as soon as funds are available [therefore]. Where local funds are [used] advanced by the county or urban municipality to construct an approved project for which sufficient funds are not available in the turnback account or town bridge account [such project may be resubmitted in the following year for consideration by the Commissioner in making reimbursement from subsequent accruals to said Turnback Account.] **authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with Minnesota Rule Hwy. 32 G, 4, f, (3) has been approved by the commissioner.**

J. General rules [and regulations]. In addition to those provisions heretofore mentioned, expenditures of State-Aid funds by any county or urban municipality shall conform to the following rules: [and Regulations]

1. Legal requirements. State-Aid construction projects shall comply with all federal, state, and local laws, together with all ordinances rules and regulations applicable to the work. Responsibility for compliance shall rest entirely with the local unit of government.

2. Bridge plans. Plans for all bridge construction or bridge reconstruction projects shall be approved by the bridge engineer of the Minnesota Department of Highways, prior to the approval by the State-Aid engineer.

3. Reports and records. Annual reports, status maps, and all maintenance and construction reports and records shall be filed at the time and in the form specifically requested by the commissioner or his authorized representatives.

4. **Non-Compliance.** The commissioner, upon determination that a county or urban municipality has failed to comply with the established State-Aid requirements, other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of any portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of such county's or urban municipality's apportionment that shall be retained until such time as suitable compliance is accomplished, or the obligation fulfilled, as the case may be. The amount withheld shall reasonably approximate the extent of the noncompliance or the value of the [obligation unfulfilled] **unfulfilled obligation.**

5. **Defective work.** Whenever unsatisfactory conditions are found to exist on an approved construction project, the district State-Aid engineer can, if necessary, order the suspension of all work affected thereby until said condition is satisfactorily corrected. Failure to conform with such suspension order shall be considered willful non-compliance. All work or materials which fail to conform to the requirements of the contract or force account agreement shall be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either withhold funds in accordance with paragraph 4 [above], or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

6. **Engineering and technical assistance.** The commissioner may, as authorized by law, execute agreements with any county or urban municipality for technical assistance from the Department of Highways. These services, if furnished, shall be paid for by the governmental subdivision at the rates established by the Department of [Highways] **Transportation.**

**K. General state-aid limitations.** The extent of state-aid participation on special items shall be limited as follows:

1. **Lighting.** The lighting of hazardous or accident-prone locations, where concurred in by the traffic engineer of the Minnesota Department of [Highways] **Transportation** shall be considered as eligible expense to the following extent:

a. **New construction.** Cost of complete lighting at approved locations only on multiple-lanes. (More than one lane in each direction.)

b. **Cost of lighting approved intersections on single-lane design.** (One lane in each direction.)

c. **Locations where the municipality would normally install lighting units are not considered as an eligible expense.** The county or urban municipality shall furnish traffic information or other needed data to support its request.

d. **Reconstruction.** All costs incidental to the necessary revision or relocation of existing lighting facilities, up to and including the cost of completing the new base.

2. **Traffic control signals.** Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of [Highways] **Transportation** prior to the approval of the State-Aid engineer. The extent of State-Aid participation in all signal installations shall be determined by the State-Aid engineer in relation to the proportion of State-Aid routes involved at each installation.

3. **Right-of-way.** The cost of any lands and properties required to accommodate the design width of the street or highway as governed by the State-Aid standards, including necessary width for sidewalks, shall be considered as eligible expense. This cost may include **relocation and moving costs as provided by law and may include damages to other lands** if reasonably justified to the satisfaction of the commissioner.

4. **Sidewalks.** On County State-Aid projects, sidewalks shall be considered as an eligible expense only where the proposed construction necessitates the alteration of existing walks. On Municipal State-Aid street projects, State-Aid payment for sidewalk may be made when requested by the **urban municipality.**

5. **Storm sewers.** Plans containing items for storm drainage shall be reviewed by the hydraulics engineer for the Minnesota Department of [Highways] **Transportation** and his recommendations obtained as to design features and the proportionate share chargeable to the State-Aid system. These recommendations, along with those of the district engineer shall be considered in determining the maximum State-Aid participation in said work.

**L. Local road research board.** The commissioner shall appoint a local road research board consisting of the following members:

1. **Four county engineers, only one of whom may be from a county containing a city of first class.**

2. **Two city engineers, only one of whom may be from a city of first class.**

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3. Two Department of [Highway] Transportation staff engineers.

4. One University of Minnesota staff engineer.

5. One Ex officio secretary, who shall be the department's research coordination engineer.

a. Initial appointments. The initial terms of the appointees shall be as follows, beginning January 1, 1960:

- (1) One county engineer — 1 year.
- (2) One county engineer — 2 years.
- (3) Two county engineers — 3 years.
- (4) One city engineer — 2 years.
- (5) One city engineer — 3 years.

b. Future appointments. All future appointments of county and city engineers, except for unexpired terms shall be for three years. The other members shall serve at the will of the commissioner.

c. Operating procedure:

(1) The board shall initially meet on call from the commissioner, at which time they shall elect a chairman, and establish their own procedure for the selection of research projects to be recommended to the commissioner. Final determination on all such research projects shall be made by the commissioner, and the cost thereof shall be paid out of the State-Aid research accounts provided for by law.

(2) In the event that the board recommends a project covering research in methods of and materials for the construction and maintenance of both the County State-Aid highway system and the Municipal State-Aid street system, the board shall also recommend to the commissioner the proportionate share of the cost of such project to be borne by the respective County State-Aid highway research account, and the Municipal State-Aid street research account, based on the benefits to be realized by each system from such research project.

M. Personal expenses of authorized board or committee members. The commissioner will authorize the payment of all necessary personal expenses in connection with meetings of board and committee members, appointed by him for State-Aid purposes. These expenses shall be reported on forms furnished by the commissioner and paid from the State-Aid administrative fund.

N. Identification and numbering. The commissioner is authorized and empowered to change the numbering system of the approved rules [and Regulations].

O. Severability. The provisions of these rules shall

be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision or any other part.

**Hwy. 32(A) Rules for bridge construction program under Laws of 1976, ch. 339.**

A. Purpose. The purpose of Minnesota Rule Hwy. 32A is to carry out the mandate of the legislature and to effectuate that mandate with respect to application, selection and funding of bridge construction projects on key bridges under local jurisdiction as set forth in Minnesota Laws of 1976, Chapter 339.

B. Scope. The scope of Minnesota Rule Hwy. 32A is confined within the framework of and consistent with Minnesota Laws of 1976, Chapter 339, Section 1, and Minnesota Statutes 1974, Chapters 161 and 162 as amended.

C. Definitions. For purposes of Minnesota Rule Hwy. 32A the terms defined in Minnesota Rule Hwy. 32 shall have the same meaning.

D. Any deficient Bridge, 20 feet or more in length, is eligible to be financed wholly or partially by the Minnesota state transportation fund and is subject to State-Aid Standards and Specifications as provided in Minnesota Rule Hwy. 32H.

E. Application for state financing of a project shall be made by resolution of a county board in the case of roads under the jurisdiction of counties, townships or municipalities of less than 5,000 population, or resolution of a city council of an urban municipality. Prior to selection by the commissioner, every application shall be reviewed by the appropriate Regional Development Commission or Metropolitan Council for consistency with its long-term comprehensive development plan and guides.

F. Criteria for the selection of specific bridge projects will be the same as the six factors required to be considered under Minnesota Laws 1976, Chapter 339, Section 1, Subdivision 6 as it may be amended. The commissioner will make the final determination as to priority of construction.

G. Release of funds to the local road authority will be in accordance with Minnesota Rule Hwy. 32 G, 2, a.

H. Minnesota Rule Hwy. 32A shall expire at such time as rules of the Minnesota Department of Transportation implementing Minnesota Laws of 1976, Chapter 339, become effective. Any agreement, obligation or contract entered into pursuant to Minnesota Rule Hwy. 32A shall remain in full force and effect after expiration of the rule.

# Official Notices

## ENVIRONMENTAL QUALITY COUNCIL

### EQC MONITOR

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#### Notice of Public Hearing

**Application by NSP for a Construction Permit for a High Voltage Transmission Line between Forbes in St. Louis County and the Canadian Border at Roseau County.**

Notice is hereby given that a public hearing will be held on the above-entitled matter, pursuant to Minn. Stat., § 116C.57 (1974), commencing in Hibbing, Minnesota, Hibbing Community College, Room A-104, Activities Building on November 3, 1976 at 7:00 p.m.; in Effie, Minnesota, Effie School Gymnasium on November 4, 1976 at 7:00 p.m.; at Big Falls, Minnesota, Big Falls Community Building on November 2, 1976 at 7:00 p.m., at Waskish, Minnesota, Waskish Town Hall on November 9, 1976 at 7:00 p.m.; at Baudette, Minnesota, Lake of the Woods County Courthouse on November 10, 1976 at 7:00 p.m.; in Warroad, Minnesota, High School Multi-Purpose Room on November 11, 1976 at 7:00 p.m. and continuing until all interested persons, representatives and organizations have had the opportunity to be heard by submitting oral or written data, statements or comments or by presenting witnesses. All testimony will be sworn, and questions on the testimony will be permitted.

The line proposed to be built by Northern States Power Company in northern Minnesota is a 500 kilovolt

transmission line extending from Forbes in St. Louis County to the Canadian border in Roseau County.

The issue on which testimony will be accepted is the location of a route up to one kilometer wide within the corridor designated by the Council in May, 1976. Alternative routes and route segments to be considered at this hearing were approved by the Council on September 14, 1976.

Copies of the application for this line are available at the EQC Office in St. Paul; County Planning and Zoning Offices in Roseau, Beltrami, Lake of the Woods, Koochiching, Itasca and St. Louis Counties; Regional Development Commission Offices for 1, 3, and 5 and public libraries in Buhl, Chisholm, Baudette, Virginia, International Falls, Hibbing, Roseau, Big Fork, Bovey, Warroad, Mountain Iron, Eveleth, Marble, Keewatin, Calumet, and Colerain, Minnesota.

Under Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

For further information concerning this hearing, please contact Power Plant Siting Staff (612) 296-2878.

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(End of EQC Monitor)

## DEPARTMENT OF ADMINISTRATION

### CABLE COMMUNICATIONS BOARD

#### Proposed Rules Governing Rulemaking, Contested Cases, Franchising, and Other Cable Communications Activities

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

NOTICE IS HEREBY GIVEN that the Minnesota Cable Communications Board has begun consideration of proposed rules governing rulemaking, contested cases, variances, cable communications system operator reports to the Board, franchising procedures, franchise amendments, and franchise standards including channel capacity, access channels, equipment for access, and two-way capability. In order to adequately determine the nature and utility of such rules, the Minnesota Cable Communications Board 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:

Minnesota Cable Communications Board  
3050 Metro Office Park  
Bloomington, MN 55420

Oral statements of information and comment will be received during regular business hours over the phone at (612) 854-1703, and in person at the above address.

All statements of information and comment must be received by October 29, 1976. Any written material received by the Board shall become part of the hearing record.

The proposed rules, if adopted, would amend current Board rules in areas of rulemaking and contested cases to conform with rules of the office of Hearing Examiners, change the Board's current responsibility in approval of franchise amendments, develop an alternative franchising procedure, state specifically the kinds and dates of reports due the Board by cable communications system operators, amend current Board standards for municipal franchises, and establish a date for submission of requests for variances prior to Board meetings.

Robert J. McDonald,  
Executive Director

#### ERRATA

- 1 S.R. 273: change "1. through 11." at PSC 373 B.1. to "A. through K."
- 1 S.R. 275: change "2." at PSC 374 Q. to "B."  
change "1. through 10." at PSC 382 B.1. to "A. through J."
- 1 S.R. 277: change "b." at PSC 387 A.3. to "2."  
change "b. and c." at USC 387 c.4 to "2. and 3."

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