

# State



STATE OF  
MINNESOTA

# Register

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## State Board of Chiropractic Examiners Annual License Renewal

### Rules as Adopted

Chi 3 and 4 Reserved for future use.

Chi 5 Individual annual license renewal.

A. Thirty (30) or more days before January 1 each year, the State Board of Chiropractic Examiners (hereinafter "Board") shall mail to the last address on file with the Board a license renewal fee notice to each person (hereinafter "licensee") licensed to practice chiropractic within this state.

B. The license of each licensee shall expire at midnight on December 31 each year. The Board shall renew the license upon receipt from the licensee of a license renewal fee of \$50.00, plus any applicable penalty fee as set forth in C. below. Each licensee shall submit the license renewal fee to the Board no later than January 1 of the year for which the license renewal is requested.

C. A licensee shall submit to the Board, in addition to the license renewal fee, a penalty fee of \$5.00 per month for each month or portion thereof for which the license renewal fee is in arrears, such penalty not to exceed \$50.00.

D. This rule shall apply to license renewal effective January 1, 1977, or anytime thereafter.

## Department of Education State Board of Education Adopted Rules Governing:

### Transportation of handicapped Students, The Pupil Transportation Safety Education Program, The District Advisory Council

Edu 242 Transportation of handicapped students. Under the provisions of Minn. Stat. § 120.17, school districts are

required to provide special education and services for handicapped school age residents. Accordingly, free transportation services shall be provided to any such handicapped child who requires special transportation services because of his or her handicapping conditions and/or special program needs.

These regulations shall apply when the handicapping conditions of the child are such that the child cannot be safely transported on the regular school bus route [[and/]] or when the child is transported on a special route for the purpose of attending an approved special education program. These regulations shall not be applicable to parents who transport their own child under contract with a school district.

A. The length of time a handicapped child is transported shall be appropriate to the physical, mental, and emotional well-being of the child. In general, a handicapped child should not spend more time in transit than a nonhandicapped child except as may be required because of the unique location of the child's educational program.

B. The school district shall determine the type of vehicle used to transport handicapped students on the basis of the handicapping conditions of those students. Such vehicles shall comply with the provisions of Chapter Fourteen: Edu 260-279 of the rules and regulations of the state board of education.

C. All vehicles used to transport handicapped students shall be equipped with a two-way communications system and/or have a responsible [[an adult]] aide to provide necessary assistance and [[/or]] supervision which cannot safely be provided by the driver. A school district may determine, however, that neither a communications system and/or aide are required. The determination [[on the use]] of whether a communication system and/or an [[adult]] aide [[shall be appropriate to]] are required shall reflect the needs of the students and be based on such factors as: handicaps of students transported, distance traveled, density of population, terrain and any other factors which may affect the safety of the pupil passengers. Exceptions to this [[rule]] paragraph may be made upon mutual agreement between the parents and the school district.

D. Specially adapted seats, support and/or protective devices shall be provided for all students who require such devices to insure their safe transportation. Such devices shall be selected by the school district in consultation with the child's parents and on the basis of the specific needs of the individual handicapped child. [[In the event that there is disagreement on the need for such equipment, a written statement of such need signed by a licensed medical doctor shall be considered as ample evidence of the need for such equipment.]]

## RULES

E. Any school bus used to transport students in wheel chairs shall be equipped with fastening devices which will hold such wheel chairs securely in a fixed position.

F. Each driver of a vehicle for handicapped students should be carefully selected to fulfill the unique requirements of the job. Drivers shall be assigned to each route on a regular basis whenever possible. Each [[driver and/or]] aide assigned to a vehicle transporting handicapped students, or driver if no aide is assigned, or both, shall:

1. Have available to them in the vehicle a typewritten card indicating the student's name and address; the nature of the student's handicaps; emergency health care information; and the names and telephone numbers of the student's physician, parents, guardians and/or custodians and of some person other than the student's parents or custodians who can be contacted in case of an emergency.

2. Be instructed in the proper emergency health care procedures for the students under their care. In addition, within one month after the effective date of assignment, participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of those students.

3. Assist such children on and off the bus when necessary for their safe ingress and egress from the bus.

4. Insure that protective safety devices, as required in paragraph D, are in use and fastened appropriately.

G. The school district may adopt such additional operating rules governing transportation of handicapped students as deemed necessary to meet local conditions and needs, providing they do not conflict with state laws and regulations.

H. Any parent of a handicapped child who believes that the transportation services provided for that child are not in compliance with these regulations may utilize the due process procedures provided [[by Minnesota Statutes.]] for in Laws 1976, of Chapter 211.

I. Effective date: These regulations shall be effective beginning with the 1976-77 school year.

### Edu 243 Pupil transportation safety education program.

A. Beginning with the 1974-75 school year, each school district shall implement a program of safety education for all students who are transported in school buses.

B. This program shall provide that:

1. at least twice during each school year, pupils shall be instructed in safe riding practices and shall participate in emergency evacuation drills,

2. the instruction shall include, but need not be limited to, correct safety procedures for riding, loading, unloading, vehicle lane crossing and emergency evacuation of school buses.

### Edu 244-259 Reserved for future use.

### Chapter Thirty-One: Community Services

#### Edu 684 The district advisory council.

A. The advisory council on community services to the district shall be composed of members who represent a cross section of various community organizations, agencies and interested citizens. The important factor in determining the size of the council is to have representation and input from the various facets of the school district population.

B. Recommendations for the use of Community Service Funds shall be made by the advisory council to the district board of education. The school board retains final authority in deciding which programs are to be adopted and how they are to be implemented. [The school board shall not initiate any programs which do not have prior approval and favorable recommendation of the advisory council.]

C. Each advisory council shall have a minimum of four meetings per school year.

## Energy Agency

### Content of Applications and Criteria for Assessment of Certificates of Need for Oil Storage Facilities, Pipelines and Refineries

#### Rules as Adopted

#### Chapter Ten

**EA 1001 Purpose of rules. The purpose of these rules is to specify the contents of applications for certificates of**

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

## RULES

need and to specify criteria for assessment of need for large oil storage facilities, large oil pipelines and oil refineries for petroleum suppliers pursuant to Minn. Stat. § 116H.13.

### EA 1002 Applicability of rules.

A. Each petroleum supplier applying for a certificate of need for one of the following types of large energy facilities shall provide all information required by these rules:

1. a new large oil storage facility;
2. a new large oil pipeline facility;
3. a new oil refinery; and
4. an expansion of an existing oil refinery in excess of either 25% of its rated throughput or 10,000 barrels per day, whichever is greater.

B. Exception. Any person who as of the effective date of these rules has begun or has completed construction of a large energy facility shall not be subject to these rules for that facility.

### EA 1003 Application procedures and timing.

A. Each applicant for a certificate of need shall apply in a form and manner prescribed by the director.

B. A minimum of seven (7) bound copies and one (1) unbound copy of the application shall be filed with the director. The director may require additional copies, not to exceed 50 copies total. All documents, forms, and schedules filed with the application must be typed on 8¼" × 11" paper except for blueprints, engineering drawings, maps, and similar materials. The date of preparation and the applicant's name shall appear on each page of the application. Each application shall contain a title page and a complete table of contents which includes the applicable rules by the titles and numbers given in these rules.

C. Subsequent to the filing of an application, any changes or corrections to the application shall comply with rule EA 1003 B. as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the revision was made. The original copy of the changes or corrections shall be filed with the hearing examiner, and the remaining copies shall be submitted to the director.

D. Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized

officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested, the number of copies filed, and the rules and subdivisions thereof to which the applicant has responded.

E. A hearing examiner shall be appointed and a public hearing shall be scheduled to commence no later than eighty days after the receipt of the application, in accordance with the Minnesota Energy Agency Rules of Procedure Governing Certificate of Need Program, EA 500 et seq., and the Hearing Examiner Rules of Contested Case Procedures, HE 201 et seq.

F. A decision on an application for a certificate of need shall be made by the director no later than six months from the receipt of the application, provided that the application as filed is substantially complete. Upon an affirmative showing by the applicant that an urgent need exists for an early decision on the application, said application may be given priority consideration over other applications, except for other priority applications previously filed.

G. The director shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct the deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of re-submission, assuming it is substantially complete.

H. Prior to the submission of an application, a person may be exempted from any data requirement of these rules upon a written request to the director for exemption from specified rules and a showing by that person in the request that the data requirement 1) is unnecessary to determine the need for the proposed facility or 2) may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The director shall respond in writing to each such request within 15 days of receipt including reasons for his decision. The director shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.

EA 1004 Definitions. For purposes of these rules, the following definitions shall apply:

- A. "Agency" means the Minnesota Energy Agency;
- B. "Applicant" means the person or persons submitting a certificate of need application;
- C. "Application" means a document submitted by a person or persons to the director for the purpose of

## RULES

obtaining a certificate of need, the contents of which are described in these rules;

D. "Barrel" means that quantity of liquid which is equal to 42 gallons;

E. "BTU" means British thermal unit, a common unit of energy measurement which is used in these rules for comparative purposes;

F. "Construction" means significant physical alteration of a site to install or enlarge a large energy facility, but not including activities incident to preliminary engineering or environmental studies;

G. "Demand" means that quantity of a petroleum product from the applicant's facilities for which there are willing and able purchasers, or the burden placed upon the applicant's interim storage facilities and production processes resulting therefrom;

H. "Director" means the director of the Agency;

I. "Forecast" means a prediction of future demand for some specified time period;

J. "Forecast years" means the sixteen-year period consisting of the year in which an application is filed plus the next fifteen years;

K. "Inch-Mile" means a descriptive unit used as a measure of the size of a pipeline, the quantity of which is determined by multiplying the diameter of the pipe in inches by the length of the pipe in miles;

L. "Joint application" means an application submitted to the director by two or more persons;

M. "Large oil pipeline" means a pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof;

N. "Large oil storage facility" means a facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or derivatives thereof;

O. "Oil refinery" means any facility on a single site which processes crude or synthetic crude oil for the purpose of separating it into marketable products;

P. "Peak day" means that day during a calendar year when the throughput is the greatest;

Q. "Peak demand" means the highest demand for a petroleum product occurring within a designated period of time;

R. "Person" means an individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, or a government or governmental subdivision, unit or agency, other than a court of law;

S. "Petroleum supplier" means a petroleum refinery in the state and any entity engaged in transmission or wholesale distribution of more than 100,000 gallons of crude petroleum or petroleum fuels or oil or derivatives thereof annually in this state;

T. "Substantially complete application" means an application which is deemed by the director to be in substantial compliance with the informational requirements of these rules.

EA 1005 Filing fees and payment schedule. The fee for processing an application shall be;

A. \$2,000 plus \$10 per one hundred thousand gallons of design storage capacity for a large oil storage facility;

B. \$10,000 plus \$4 for each inch-mile of the Minnesota portion of a large oil pipeline;

C. \$10,000 plus \$200 per thousand barrels of design daily throughput for a new oil refinery; or

D. \$5,000 plus \$100 per thousand barrels of additional daily throughput for an expansion of an existing oil refinery;

plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility. In no event shall the total fee required of any applicant exceed the lesser of \$50,000 or 200% of the fee set according to above schedule. Fifty percent of the fee set according to item A, B, C or D of rule EA 1005 shall accompany the application and the balance shall be paid 90 days after submission of the application. The applicant shall be notified when any additional fees are due and shall pay them within 30 days of notification. The billing for such additional fees shall be accompanied by an itemized statement. No certificate of need shall be issued unless all fees are paid in full.

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## EA 1011 Criteria for assessment of need.

**A. Purpose of the criteria.** The criteria for assessment of need will be used by the director in the determination of the need for a proposed large energy facility pursuant to Minn. Stat. §§ 116H.01 through 116H.15.

**B. A certificate of need shall be granted to the applicant if it is determined that:**

1. the probable result of denial would adversely affect the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states. In making this determination, the director shall consider:

a. the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;

b. the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;

c. the effects of the applicant's promotional practices which may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;

d. the ability of current facilities and planned facilities not requiring certificates of need, and to which the applicant has access, to meet the future demand; and

e. the effect of the proposed facility in making more efficient use of resources;

2. a more reasonable and prudent alternative to the proposed facility has not been demonstrated. In making this determination, the following factors shall be considered:

a. the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;

b. the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;

c. the impact of the proposed facility upon the natural and socioeconomic environments compared to the impacts of reasonable alternatives; and

d. the expected reliability of the proposed facility

compared to the expected reliability of reasonable alternatives;

3. the consequences of granting the certificate of need outweigh the consequences of denying the certificate, considering:

a. the relationship of the proposed facility to overall state energy needs;

b. the impact of the proposed facility upon the natural and socioeconomic environments compared to the impact of not building the facility;

c. the effects of the proposed facility in inducing future development; and

d. socially beneficial uses of the output of the proposed facility, including its uses to protect or enhance environmental quality; and that

4. it has not been demonstrated on the record that the design, construction or operation of the proposed facility will fail to comply with those relevant policies, rules and regulations of other state agencies, federal agencies, and local governments which have been considered during the hearing process.

## EA 1021 Contents of application.

**A. Each application for a certificate of need shall provide all information required by rules EA 1031-1034, plus additional information for specific types of facilities as indicated in rule EA 1021 D.**

**B. Joint application.** If the proposed application for a certificate of need is jointly submitted by two or more persons, then, when specified in these rules, each such person shall submit the information required by these rules.

**C. Multi-Party ownership and use.** Each application for a certificate of need for a facility which is owned and used by two or more persons shall be considered as a joint application for purposes of these rules.

**D. Additional information shall be provided for specific types of facilities as indicated below.**

1. Large oil storage facility. Refer to rule EA 1040.
2. Large oil pipeline facility. Refer to rule EA 1050.
3. Oil refinery. Refer to rule EA 1060.

## EA 1031 General information.

**A. Each application shall contain a general informa-**



# RULES

tion section which shall include the following information:

1. the applicant's complete name and address, telephone number, and standard industrial classification code(s);

2. the complete name, title, address and telephone number of the official or agent to be contacted concerning the applicant's filing;

3. a brief description of the nature of the applicant's business and of the products which are manufactured, produced, or processed, or of the services rendered;

4. a brief description of the proposed facility, its complete address (if known) or general location, a brief description of its planned use, its estimated cost, its planned in-service date, and its design capacity in gallons (oil storage), its maximum design throughput in barrels per day and its size in inch-miles (oil pipeline), or its design throughput in barrels per day (oil refinery);

5. the total fee for the application as prescribed by rule EA 1005, and the amount of the fee submitted with the application; and

6. the signature(s), and title(s) of the applicant's officer(s) or executive(s) authorized to sign the application and the signature of the preparer of the application if prepared by an outside agent.

**B.** Each application shall contain a schedule in the general information section which shall list all known federal, state, and local agencies or authorities with which the applicant must file for the proposed facility. The following information shall be included on the schedule:

1. the names of all known federal, state, or local agencies or authorities with which the applicant must file;

2. the title of each required permit or certificate issued by the authorities named in rule EA 1031 B.1. and needed by the applicant;

3. for each permit or certificate in rule EA 1031 B.2., the date an application was filed or the projected date of future application;

4. for each permit or certificate in rule EA 1031

B.2., the actual date a decision was made on the application, or the anticipated decision date; and

5. for each permit or certificate in rule EA 1031 B.2. for which an application was filed, the disposition or status of the permit or certificate.

**EA 1032** Need summary. Each application shall contain a section which summarizes the major factors which justify the need for the proposed facility. The summary shall not exceed, without the approval of the director, 15 pages in length, including text, tables, schedules, graphs, and figures.

**EA 1033** Summary of additional considerations. Each application shall contain a section which discusses the socioeconomic considerations listed below. The applicant shall explain the relationship of the proposed facility to each of the following:

A. socially beneficial uses of the output of the facility, including its uses to protect or enhance environmental quality;

B. promotional activities which may have given rise to the demand for the facility; and

C. the effects of the facility in inducing future development.

**EA 1034** Conservation programs. Each application shall contain a section which relates to the conservation of energy. Separate responses are required from each person submitting a joint application.

A. Does the applicant have an energy committee or an individual responsible for determination or coordination of its energy needs?

B. Has the applicant defined energy or conservation goals or objectives?

C. What major energy efficiency or conservation programs has the applicant considered?

D. What major accomplishments in energy efficiency or conservation have been made by the applicant within the past five years?

E. What major energy efficiency or conservation programs will be implemented within the next five years?

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**EA 1040 Large oil storage facility section.** In addition to the data required by rules EA 1031-1034, each applicant for a large oil storage facility shall provide the information required by rules EA 1041-1045, and, optionally, EA 1081.

In a joint application, separate responses are required from each person for information required by rules EA 1041-1042 and EA 1044.

**EA 1041 Historical energy data.** Each applicant for a large oil storage facility shall provide the following information:

A. the end-of-year total storage capacity at the site where the proposed facility will be located for each of the five years preceding the year of application;

B. identification of the specific facilities in rule EA 1041 A. which are normally used to store the type of petroleum product(s) which would be stored in the proposed facility; and

C. for the oil storage site or refinery where the proposed facility would be located, a list of the annual throughput in gallons for the five most recent calendar years for the type of petroleum product(s) which would be stored in the proposed facility.

**EA 1042 Forecast data.** Each applicant for a large oil storage facility shall provide answers to the questions below unless previously submitted to the Agency pursuant to EA 401 et seq., in which case a copy of such submission may be incorporated into the application to satisfy the requirements of this rule.

A. What are the applicant's projected storage capacity requirements, during the next five years, for the type of petroleum product(s) which would be stored in the proposed facility?

B. What impact, if any, would the proposed facility have upon the applicant's ability to manage its inventory and supply its customers during the next five years, compared to its current situation?

C. What impact, if any, would the proposed facility have upon the applicant's annual throughput or its ability to maintain current throughput levels during the next five years?

D. What specific assumptions are made by the applicant for the next five years concerning supply of the type(s) of petroleum products which would be stored in the proposed facility?

**EA 1043 Description of proposed facility.** Each applica-

tion for a large oil storage facility shall include the following information:

A. the purpose and planned use of the proposed oil storage facility, including its relationship to the facility which requires it;

B. a description of the proposed oil storage facility, including:

1. its design capacity in gallons;

2. the type(s) of petroleum products to be stored;

3. the dimensions;

4. engineering drawings, blueprints, and specifications (if available); and

5. the estimated cost of the proposed oil storage facility and its expected economic life;

C. the complete name and address of the engineer, if known, or (if designed by an outside agent) the firm, which designed the proposed oil storage facility;

D. the complete name and address, if known, of the contractor or firm which would construct the oil storage facility; and

E. the approximate planned date for starting construction and the approximate planned in-service date.

**EA 1044 Alternatives.** Each applicant for a large oil storage facility shall respond to the following questions.

A. Are there any known restrictions or limitations on the availability of alternatives to the applicant's proposed oil storage facility?

B. Specifically, what other alternatives were examined? For each alternative examined provide the following information:

1. a description of the alternative;

2. when it was studied;

3. who performed the study;

4. why it was rejected; and

5. whether economics were considered and to what extent.

**EA 1045 Environmental data.** The director may, upon a showing by the applicant, exempt the applicant from

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any or all of the requirements of this section. Such a showing shall conform to rule EA 1003 H. with respect to timing and content.

When a certificate of need application is submitted for a large oil storage facility on an existing oil storage site, which site already has storage capacity of at least one million gallons, a copy of an Environmental Assessment Worksheet (EAW) may be submitted in lieu of specific answers to the requirements below. If permits for construction of said facility are required by other state agencies, a copy of each permit application, or the informational equivalent, shall also be submitted.

In all other cases the applicant for a certificate of need for a large oil storage facility shall provide environmental information for the proposed facility and for each alternative facility discussed in response to rule EA 1044. Such information shall be provided in the format given below, to the extent that such data is applicable and reasonably available.

## A. Location.

1. If the specific location for the proposed (or alternative) facility is known, provide the county, township, range, and section(s) of that site. If a specific location has not been chosen, provide the county, township, range and section(s) for each parcel of land which in the opinion of the applicant could serve as the site for the facility.

2. For each site identified in response to rule EA 1045 A.1. list:

- a. the nature of the terrain at the site;
- b. the general soil type at the site;
- c. the depth of groundwater at the site;
- d. the types of vegetation (including forest, brush, marsh, pasture, and cropland) on the site;
- e. the predominant types of land use (such as residential, forest, agricultural, commercial, and industrial) within one mile of the site;
- f. lakes, streams, wetlands or drainage ditches within one mile of the site and any other lakes, streams, wetlands, drainage ditches, wells or storm drains into which liquid contaminants could flow;

g. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails and national waterfowl production areas within one mile of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency;

h. state critical areas, state wildlife management areas, state scientific and natural areas, state wild, scenic and recreational rivers, state parks, state scenic wayside parks, state recreational areas, state forests, state trails, state canoe and boating rivers, state zoo, designated trout streams, and designated trout lakes within one mile of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency; and

i. national historic sites and landmarks, national monuments, National Register Historic Districts, registered state historic or archaeological sites, state historical districts, sites listed on the National Register of Historic Places, and any other Cultural Resources within one mile of the site, as indicated by the Minnesota Historical Society.

B. Wastewater, projected air emissions and noise sources.

### 1. Discharges to water.

a. Point discharges. Indicate the location, route and final receiving waters for any discharge points. For each discharge point indicate the source, the amount and the nature of the discharge. (Provide quantitative data if possible.)

b. Area runoff. Indicate the area from which runoff may occur, potential sources of contamination in the area, and receiving waters for any runoff.

2. Point sources of airborne emissions. Estimate the quantity of gaseous and particulate emissions that would occur during full operation from each emission source and indicate the location and nature of the release point.

3. Noise. Indicate the maximum noise levels (in decibels, A scale) expected at the property boundary. Also, indicate the expected maximum increase over ambient noise levels.

## C. Pollution control and safeguards equipment.

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1. Air pollution controls. Indicate types of emission control devices and measures that would be used.

2. Water pollution controls. Indicate types of water pollution control equipment and runoff control measures that would be used to comply with applicable state and federal regulations and statutes.

3. Oil spill safeguards. Describe measures that would be taken to prevent oil spills or to minimize the environmental impact of a spill on surface waters and groundwaters of the state.

4. Other safeguards and controls. Indicate any other equipment or measures, including erosion control, that would be used to reduce impact of the facility. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

### **D. Induced developments.**

1. Vehicular traffic. Estimate the amounts and types of vehicular traffic which would be generated by the facility.

2. Water use. Indicate the amount of water which would be appropriated and the amount which would be consumed by the facility, the expected source of the water, and how the water would be used.

3. Agriculture. Estimate the amount of agricultural land, including pasture land, that would be removed from agricultural use if the facility were constructed. Indicate known circumstances with regard to the facility that could lead to reduced productivity of surrounding agricultural land.

4. Relocation of human beings. Estimate the number of people that would have to relocate if the facility were constructed.

**EA 1050 Large oil pipeline facility section.** In addition to the data required by rules EA 1031-1034, each applicant for a certificate of need for a large oil pipeline facility shall provide the information required by rules EA 1051-1055.

In a joint application, separate responses are required from each person for information required by rules EA 1051-1052 and EA 1054.

### **EA 1051 Historical energy data.**

A. For the geographical area to be served by the proposed facility, the applicant shall provide the following:

1. a list of the petroleum products by major categories (such as crude oil, gasoline, fuel oil, and so forth) transported or distributed by the applicant in that geographical area during the five most recent calendar years;

2. for each category listed in response to rule EA 1051 A.1. and for each of the five most recent calendar years, a list of the annual and peak day quantities transported or distributed in the appropriate units of measure;

3. a list of sources of supply of petroleum products for transportation or distribution during the five most recent calendar years, designated as either in-state or as out-of-state, the dates and durations of the contracts with the 25 largest suppliers or shippers, the categories of petroleum products and quantities involved and, for sources of crude oil, the geographical areas of origin of the crude oil; and

4. for each of the five most recent calendar years and for each category of petroleum product, the percentage of in-state delivery of the annual amounts given in response to rule EA 1051 A.2.

B. List each large oil storage facility location, large pipeline facility, and oil refinery associated with the transportation or distribution of the categories of petroleum products named in response to rule EA 1051 A.1. Provide maps which represent the locations and interconnections of these facilities.

C. For each large energy facility or location listed in response to rule EA 1051 B., located in Minnesota and owned or operated by the applicant, provide the average percentage of use of its full design capacity during the summer season and during the winter season.

**EA 1052 Forecast data.** For the geographical area to be served by the proposed facility, the applicant shall provide the following:

A. a list of the categories of petroleum products the applicant expects to transport or distribute in that geographical area during the first six forecast years, the eleventh forecast year (the tenth year after the year of the application), and the sixteenth forecast year;

B. for each category of petroleum product listed in response to rule EA 1052 A. and for each of the first six forecast years, the eleventh forecast year, and the sixteenth forecast year, a list of the annual and peak day quantities expected, using the appropriate units of measure;

C. a discussion of the methods, assumptions and fac-

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tors employed for purposes of estimation in response to items A. and B. of rule EA 1052;

D. a discussion of the effect on the forecast of possible changes in the key assumptions and key factors requested in rule EA 1052 C.; and

E. considering the forecast, a discussion of other facilities, if any, planned by the applicant to supply the forecast demand.

### EA 1053 Description of proposed facility.

A. Design. The applicant shall provide the following information pertaining to the design of the proposed large oil pipeline:

1. if known, the complete name and address of the engineer and firm to be responsible for the design;

2. the estimated cost and economic life;

3. a list of the categories of petroleum products the large oil pipeline is intended to transport;

4. its initial and ultimate design capacities in barrels per day and its design size in inch-miles;

5. engineering data, including the following:

a. a pipeline system map showing the route, mileage, location of pumping stations, mainline valves, petroleum storage facilities, and interconnections;

b. specifications for pipe (diameter, length, wall thickness, grade) and valves (diameter and American National Standards Institute rating) with the maximum allowable operating pressure for each;

c. for the pumps, representative specifications including diameter, allowable maximum operating pressures and maximum capacities; and

d. for the prime movers, representative specifications, including type, allowable maximum power capacity in horsepower, efficiency, allowable maximum and minimum operating temperatures, and energy requirement in BTU per barrel per mile of petroleum product pumped.

B. Construction. The applicant shall provide the following information pertaining to the construction of the proposed facility:

1. if known, the complete name and address of the company to be responsible for the construction;

2. the proposed date for commencement of construction and the proposed in-service date; and

3. an estimate of the in-service date if the construction were to be on a fully-expedited basis.

C. Operation. The applicant shall provide the following information pertaining to the operation of the proposed facility:

1. the expected average percentage of use of the full design capacity of the proposed facility during the first five years of operation;

2. the expected maximum operating pressure and capacity of the proposed facility at peak demand;

3. the expected power requirement from the prime movers at each station at peak demand (in kilowatts, thousands of cubic feet per hour, or gallons per hour);

4. a list of expected sources of supply or shippers of petroleum products for transportation during the first five calendar years of operation, designated either as in-state or as out-of-state, the expected dates and durations of the contracts with the 25 largest suppliers or shippers, the categories of petroleum products and quantities expected to be involved and, for sources of crude oil, the expected geographical areas of origin of the crude oil; and

5. a list of expected recipients of transported petroleum products during the first five calendar years of operation, designated either as in-state or as out-of-state, the expected dates and durations of the contracts with the 25 largest recipients, and the categories of petroleum products and quantities expected to be involved.

EA 1054 Alternatives. The applicant shall provide information pertaining to the alternatives that have been considered, and the information shall be presented in the following format:

A. a description of the alternative, including:

1. a discussion of the design and the geographical area affected;

2. an estimate of the in-service date;

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3. a discussion of the method of operation;
4. its cost;
5. its economic life; and
6. its reliability;

**B.** a summary of the conclusions reached with respect to the alternative and the reasons for its rejection.

**EA 1055 Environmental data.** Each applicant shall provide environmental data for the proposed facility and for each alternative discussed in response to rule EA 1054, to the extent that such data is reasonably available. Environmental data for each pipeline considered shall conform to the format given in subdivisions A. through D. of rule EA 1055. Information for each of the other types of alternatives considered shall include 1) a list of the natural and cultural resources, as given in items g. through j. of rule EA 1055 A.2., that would be directly impacted and 2) a discussion of those applicable areas of environmental concern that are detailed in subdivisions B. through D. of rule EA 1055.

### **A. Location.**

1. If a particular route has been selected for the pipeline, indicate that route on an appropriate map. If no particular route has been selected, indicate on an appropriate map each possible route that has been given serious consideration.

2. For each route identified in response to rule EA 1055 A.1., list:

- a. the names of cities or population centers through which the route passes;
- b. the number of miles of the route which passes through, respectively, federal lands, state lands, county or tax-forfeit lands, incorporated areas, and private land outside incorporated areas;
- c. the general soil types along the route and the approximate percentage of each;
- d. the general terrain along the route;
- e. the types of vegetation along the route (including forest, brush, marsh, pasture, and cropland) and the approximate percentage of each;
- f. the predominant types of land use along the route (such as residential, forest, agricultural, commercial, and industrial) and the approximate percentages of each;

g. the names of major lakes or streams and the number of wetlands of five acres or more through which the route passes, as well as any others into which liquid contaminant from the pipeline could flow;

h. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails, and national waterfowl production areas through which the route passes, as mapped on the Inventory of Significant Resources by the State Planning Agency;

i. state critical areas, state wildlife management areas, state scientific and natural areas, state wild, scenic and recreational rivers, state parks, state scenic wayside parks, state recreational areas, state forests, state trails, state canoe and boating rivers, state zoo, designated trout streams, and designated trout lakes through which the route passes, as mapped on the Inventory of Significant Resources by the State Planning Agency;

j. national historic sites and landmarks, national monuments, National Register Historic Districts, registered state historic or archaeological sites, state historical districts, sites listed on the National Register of Historic Places, and any other Cultural Resources through which the route passes, as indicated by the Minnesota Historical Society.

**B. Wastewater, projected air emissions and noise sources.**

### **1. Discharges to water of the site.**

a. **Point discharges.** Indicate the location, route and final receiving waters for any discharge points. For each discharge point indicate source, the amount and the nature of the discharge. (Provide quantitative data if possible.)

b. **Area runoff.** Indicate the area from which runoff may occur, potential sources of contamination in the area, and receiving waters for any runoff.

2. **Point sources of airborne emissions.** Estimate the quantity of gaseous and particulate emissions that would occur during full operation of the pipeline from each emission source and indicate the location and nature of the release point.

3. **Noise.** Indicate the maximum noise levels (in decibels, A scale) expected along the route. Also, indicate the expected maximum increase over ambient noise levels.

### **C. Pollution control and safeguards equipment.**

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1. **Air pollution controls.** Indicate types of emission control devices and dust control measures that would be used.

2. **Water pollution controls.** Indicate types of pollution control equipment and runoff control measures that would be used to comply with applicable state and federal regulations and statutes.

3. **Oil spill safeguards.** Describe measures that would be taken to prevent oil spills or to minimize the environmental impact of a spill on surface waters or groundwaters of the state.

4. **Other safeguards and controls.** Indicate any other equipment or measures, including erosion control, that would be used to reduce the impact of the pipeline. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

#### D. Induced developments.

1. **Utility use.** Indicate the extent to which the facility would create or add to the need for expanded utilities or public services.

2. **Water use.** Indicate the amount of water which would be appropriated for use in connection with the pipeline, the expected source of water, and the manner in which the water would be used.

3. **Agriculture.** Estimate the number of farms and the number of acres of cropland and pasture land that would be affected by construction of the pipeline. Indicate known circumstances with regard to the pipeline that would tend to reduce agricultural productivity along the route. Estimate the amount of excavation, back filling, grading, soil compaction and soil mixture, and ditching to be done in farm fields. Estimate the number of drainage ditches to be impacted by the pipeline.

4. **Relocation of human beings.** Estimate the number of people that would have to relocate if the pipeline were constructed.

**EA 1060 Oil refinery facility section.** In addition to the data required by rules EA 1031-1034, each applicant for a certificate of need for an oil refinery facility shall provide the information required by rules EA 1061-1065.

In a joint application, separate responses are required

from each person for information required by rules EA 1061-1062 and EA 1064.

EA 1061 Historical energy data.

A. For the geographical area to be served by the proposed facility, the applicant shall provide the following:

1. a list of the petroleum products by major categories (such as crude oil, gasoline, fuel oil, and so forth) associated with the refining process, or, if not associated with the refining process, distributed by the applicant in that geographical area during the five most recent calendar years;

2. for each category listed in response to rule EA 1061 A.1. and for each of the five most recent calendar years, a list of the annual quantities refined or distributed in the appropriate units of measure; and

3. for each category listed in response to rule EA 1061 A.1. and for each of the five most recent calendar years, the percentage delivered within Minnesota.

B. List each large oil storage facility location, large pipeline facility and oil refinery associated with the refining or distribution of the categories named in response to rule EA 1061 A.1. Provide map (s) which represent the locations and interconnections of these facilities.

C. For each oil storage facility location, pipeline and refinery described in response to rule EA 1061 B., located in Minnesota and owned or operated by the applicant, provide the average percentage (or, where applicable, the maximum percentage) of use of its full design capacity during the summer season and during the winter season.

**EA 1062 Forecast data.** Each applicant for an oil refinery facility shall provide forecast data in the format given below unless such data has been previously submitted to the Agency pursuant to EA 401 et seq., in which case a copy of such submission may be incorporated into the application to satisfy the requirements of this rule. For the geographical area to be served by the proposed facility, the applicant shall provide the following:

A. a list of the categories of petroleum products the applicant expects to refine or distribute in that geographical area during the first six forecast years, the

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eleventh forecast year (the tenth year after the year of the application), and the sixteenth forecast year;

B. for each category listed in response to rule EA 1062 A. and for each of the first six forecast years, the eleventh forecast year, and the sixteenth forecast year, a list of the annual quantities expected, using the appropriate units of measure;

C. a discussion of the methods, assumptions and factors employed for purposes of estimation in response to items A. and B. of rule EA 1062;

D. a discussion of the effect on the forecast of possible changes in the key assumptions and key factors requested in rule EA 1062 C.; and

E. considering the forecast, a discussion of other facilities, if any, planned by the applicant to supply the forecast demand.

### EA 1063 Description of proposed facility.

A. Design. The applicant shall provide the following information pertaining to the design of the proposed oil refinery or refinery expansion:

1. if known, the complete name and address of the engineer and firm to be responsible for the design;

2. the estimated cost and economic life;

3. a list of the crude oils (or equivalent) the oil refinery is intended to process, identifying each crude oil by general type, and a list of each refined petroleum end product intended;

4. for each petroleum product listed in response to rule EA 1061 A.3., the design capacity in barrels per day;

5. a simplified flow diagram of the refinery showing major products and process components; and

6. a map showing the likely location (s) for the proposed facility and its interconnections with major pipeline facilities.

B. Construction. The applicant shall provide the following information pertaining to the construction of the proposed facility:

1. if known, the complete name and address of the company to be responsible for the construction;

2. the proposed date for commencement of construction and the proposed in-service date; and

3. an estimate of the in-service date if the construction were to be on a fully-expedited basis.

C. Operation. The applicant shall provide the following information pertaining to the operation of the proposed facility:

1. the expected average percentage of use of the full design capacity of the proposed facility during the first five years of operation; and

2. for each of the first five calendar years of operation, the percentage of each refined petroleum end product expected to be delivered in-state.

EA 1064 Alternatives. The applicant shall provide information pertaining to the alternatives that have been considered, and the information shall be presented in the following format:

A. a description of the alternative, including:

1. a discussion of the design and the geographical area affected;

2. an estimate of the in-service date;

3. a discussion of the method of operation;

4. its cost;

5. its economic life; and

6. its reliability;

B. a summary of the conclusions reached with respect to the alternative and the reasons for its rejection.

EA 1065 Environmental data. Each applicant shall provide environmental data for the proposed facility and for each alternative facility described in response to rule EA 1064. Information relating to construction and operation of each of these facilities shall be provided as indicated below, to the extent that such information is reasonably available to the applicant and applicable to the particular alternative.

A. Location.

1. If the specific location for the proposed (or alternative) facility is known, provide the county, township, range and section(s) of that site. If a specific location has not been chosen, provide the county, township, range and section(s) for each parcel of land which in the opinion of the applicant could serve as the site for the facility.

2. For each site identified in response to rule EA 1065 A.1., list:



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- a. the nature of the terrain at the site;
- b. the general soil type at the site;
- c. the depth to groundwater at the site;
- d. the types of vegetation (including forest, brush, marsh, pasture, and cropland) on the site;
- e. the predominant types of land use (such as residential, forest, agricultural, commercial, and industrial) within five miles of the site;

f. lakes, streams, wetlands or drainage ditches within five miles of the site and any other lakes, streams, wetlands, drainage ditches, wells or storm drains into which liquid contaminants could flow;

g. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails and national waterfowl production areas within five miles of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency;

h. state critical areas, state wildlife management areas, state scientific and natural areas, state wild, scenic and recreational rivers, state parks, state scenic wayside parks, state recreational areas, state forests, state trails, state canoe and boating rivers, state zoo, designated trout streams, and designated trout lakes within five miles of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency; and

i. national historic sites and landmarks, national monuments, National Register Historic Districts, registered state historic or archaeological sites, state historical districts, sites listed on the National Register of Historic Places, and any other Cultural Resources within five miles of the site, as indicated by the Minnesota Historical Society.

**B. Solid wastes, wastewater, projected air emissions and noise sources.**

1. **Solid wastes.** Indicate the types and estimated quantities of solid wastes that would be produced by or because of the facility. Also indicate the intended method of recycling or disposing of these wastes.

2. **Discharges to water.**

a. **Point discharges.** Indicate the location, route and final receiving waters for any discharge points. For each discharge point indicate the source, the amount and the nature of the discharge. (Provide quantitative data if possible).

b. **Area runoff.** Indicate the area from which runoff may occur, potential sources of contamination in the area, and receiving waters for any runoff.

3. **Airborne emissions.**

a. **Point sources.** Estimate the quantity of gaseous and particulate emissions that would occur during full operation from each emission source and indicate the location and nature of the release point.

b. **Area sources.** Indicate locations which may be sources of fugitive dust and indicate the nature of the source (including type of material, amount, and turnover rate).

4. **Noise.** Indicate the maximum noise levels (in decibels, A scale) expected at the property boundary. Also, indicate the expected maximum increase over ambient noise levels.

**C. Pollution control and safeguards equipment.**

1. **Air pollution controls.** Indicate types of emission control devices and dust control measures that would be used.

2. **Water pollution controls.** Indicate types of water pollution control equipment and runoff control measures that would be used to comply with applicable state and federal regulations and statutes.

3. **Oil spill safeguards.** Describe measures that would be taken to prevent oil spills or to minimize the environmental impact of a spill on surface and groundwaters of the state.

4. **Other safeguards and controls.** Indicate any other equipment or measures, including erosion control, that would be used to reduce impact of the facility. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

**D. Induced developments.**

1. **Vehicular traffic.** Estimate the amounts and

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types of vehicular traffic which would be generated by the facility.

2. **Utility use.** Indicate the extent to which the facility would create or add to the need for expanded utilities or public services.

3. **Water use.** Indicate the amount of water which would be appropriated and the amount which would be consumed by the facility, the expected source of the water, and how the water would be used.

4. **Agriculture.** Estimate the amount of agricultural land, including pasture land, that would be removed from agricultural use if the facility were constructed. Indicate known circumstances with regard to the facility that could lead to reduced productivity of surrounding agricultural land.

5. **Relocation of human beings.** Estimate the number of people that would have to relocate if the facility were constructed.

**EA 1081 Other data filed with the application.** In addition to the information required by the director, the applicant may desire to file other data. If, in the opinion of the applicant, additional relevant data should be submitted for consideration, such data should be filed in a separate section of the application.

**EA 1091 Certificate of need modifications.**

A. Issuance of a certificate may be made contingent upon modifications required by the director. When the director denies an application, he shall state the reason(s) for the refusal and the changes, if any, which would make the facility certifiable.

B. The following changes in a facility previously certified by the director shall not require recertification:

1. oil storage capacity additions or subtractions of less than ten (10) percent of the capacity approved by the director;

2. oil pipeline length additions or subtractions of less than ten (10) percent of the length approved by the director;

3. oil refinery capacity additions or subtractions of less than ten (10) percent of the capacity approved by the director; and

4. changes of less than two years in the in-service date.

C. If an applicant determines that a change greater

than those specified in rule EA 1091 B. is necessary or desirable, it shall inform the director of the desired change, accompanied by a written statement detailing the reasons for the proposed change. The director shall evaluate these reasons and within 45 days of receipt of said statement notify the applicant whether the proposed change is acceptable without recertification.

## Department of Revenue Property (Ad Valorem) Taxes

Tax Ad Val 3 Valuation.

A. **General.** Because of the unique character of public utility companies, such as being subject to stringent government regulation over operations and earnings, the traditional approaches to valuation estimates of property (cost, capitalized income and market) must be modified when utility property is valued. Consequently, for the 1975 and subsequent assessment years, until economic and technological factors dictate a change, the value of utility company property will be estimated in the manner provided in this chapter.

B. **Market approach.** Market value implies a price for which an entire public utility enterprise might reasonably change hands between willing and informed buyers and sellers. The term presupposes a market of normal activity, no urgency to buy or sell on the part of either buyer or seller, and continued operation of the utility as a single entity. Public utility property is seldom transferred as a whole unit under these circumstances. Consequently, after consideration of this approach, it has been decided that valuation of utility properties by this approach is speculative and unreliable and will not be employed as a method of valuation for utility property at this time.

C. **Cost approach.**

1. The cost factor that will be considered in the utility valuation formula is the original cost less depreciation of the system plant, and improvements, plus the original cost of construction work in progress on the assessment date. **Depreciation will not be allowed on construction work in progress.** Depreciation will be allowed as a deduction from cost in the amount allowed on the accounting records of the utility company, as such records are required to be maintained by the appropriate regulatory agency. Depreciation, however, shall not exceed the prescribed percentage of cost: for electric companies, [15] 17 percent; for gas distribution companies, 45 percent; pipeline companies, 45 percent.

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2. When valuing electric company property the "average cost per kilowatt of installed capacity" will also be considered. Any excess of average cost per kilowatt of installed capacity over the actual cost of production plant (except land) multiplied by the kilowatts of installed capacity will be added to the original cost of the plant, and reduced by the same rate of depreciation applicable to the original cost. The average cost per kilowatt of installed capacity is computed by averaging the construction costs of production plant (except land) for major generating plants in the Continental U.S. [for the five most recent years available,] by type of plant, as shown in the latest issues of the Federal Power Commission publications, *Hydro-Electric Plant Construction Cost and Annual Production Expenses* and *Steam-Electric Plant Construction Cost and Annual Production Expenses* and *Gas Turbine Electric Plant Construction Cost and Annual Production Expenses*. Average cost per kilowatt of installed capacity will be determined after excluding, federally constructed, multi-purpose projects, and nuclear electric generating plants. **The period to be used for computing the hydroelectric plant average will be 15 years. The period to be used for computing the steam-electric and gas turbine electric plant average will be six years.**

3. The following examples illustrate this procedure. In both examples assume that the [five year] study of the most recent construction data available from Federal Power Commission publications indicates that the average cost per kilowatt of installed capacity in a fossil fuel steam plant is \$150 per kilowatt. Each of the two plants is of this type.

a. Plant	#1	#2
b. Installed capacity	100,000 KW	50,000 KW
c. Year in Service	1960	1940
d. Cost of Plant	\$15,200,000	\$3,500,000
e. Cost per KW	\$152	\$70
f. Average cost per KW	\$150	\$150
g. Excess (line 6 - 5)	—	\$80
h. Additional value (line 7 × 2)	—	\$4,000,000

4. The cost indicator of value computed in accordance with this regulation will be weighted for each class of utility company as follows: electric companies, 85 percent; gas distribution companies, 75 percent; pipeline companies, 75 percent.

D. Income approach to valuation. The income indicator of value will be estimated by averaging the net operating earnings of the utility company for the most recent three years. After considering, as far as possible, all conditions that may exist in the future that may affect the present annual return, including risk, life expectancy of the property, and cost of money, the capitalization rates used to compute value for the 1975 assessment will be: electric companies, 7.75 percent; gas distribution companies, 8 percent; pipeline companies, 8.25 percent. The income indicator of value computed in accordance with this regulation will be weighted for each class of utility company as follows: electric companies, 15 percent; gas distribution companies, 25 percent; pipeline companies, 25 percent.

E. Unit value computation.

1. The unit value of the utility company will be the total of the weighted indicators of value.

2. The following is an example of the computation of the unit value:

Cost indicator of value	\$5,000,000 × 75% = \$3,750,000
Income indicator of value	\$4,800,000 × 25% = \$1,200,000
Unit Value of Pipeline Company	100% \$4,950,000

F. Valuation of utility property of cooperatives. Cooperative associations shall have their utility property valued on the basis of historical cost only since they do not operate on the traditional profit-making basis. Depreciation will be allowed as a deduction from cost at increments of 2.5 percent per year but the maximum shall not exceed 25 percent for property used in the generation, transmission or distribution of electric power.

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TaxAdVal 7 Comprehensive example. An illustration of the methods and procedures described in TaxAdVal 3, 4, 5 and 6 is as follows:

### Example 1. Computation of unit valuation of an electric company.

	<i>Amount</i>			
1. Utility Plant (Cost)	\$200,000,000	F.P.C. Report		
2. Construction in Progress	5,000,000	F.P.C. Report		
3. Additional Value From Average Cost per K.W. Computation	4,000,000	Example 2, Line 8		
4. Total Plant	209,000,000	1 + 2 + 3		
5. Non-Depreciable Plant (Land, Intangibles, CWIP)	19,000,000	F.P.C. Report		
6. Depreciable Plant	190,000,000	4 - 5		
7. Depreciation (Maximum 17%)	32,300,000	6 × 17%		
8. Total Depreciated Plant Plus Non-Depreciable Plant	176,700,000	4 - 7		
	<i>Reference</i>	<i>1971</i>	<i>1972</i>	<i>1973</i>
9. Net Operating Income	F.P.C. Report	8,000,000	8,500,000	9,000,000
10. Capitalized Income @ 7.75%		103,225,806	109,677,419	116,129,032
11. 3 Year Total Capitalized Income			329,032,257	
12. 3 Year Average Capitalized Income (line 11 ÷ 3)			109,677,419	
13. Total Depreciated Plant	176,700,000		Weighted @ 85%	150,195,000
14. 3 Year Average Capitalized Income	109,677,417		Weighted @ 15%	16,451,613
15. Market			Weighted @ 0%	—
16. Unit Value				<u>166,646,613</u>

### Example 2. Computation of average cost per kilowatt of installed capacity.

Assume that a study of most recent construction data available from the F.P.C. shows that the average cost per kilowatt of installed capacity in a fossil fuel steam plant is \$150.00 per kilowatt.

	<i>#1</i>	<i>#2</i>
1. Plant		
2. Installed Capacity	100,000 K.W.	50,000 K.W.
3. Date in service	1960	1940
4. Cost of Plant	\$15,200,000	\$3,500,000
5. Cost Per K.W.	\$152.00	\$ 70.00
6. Average Cost Per K.W.	\$150.00	\$150.00
7. Difference (if any)	—	\$ 80.00
8. Additional Value	—	\$4,000,000

### Example 3. Allocation of unit valuation of electric company to Minnesota.

	<i>Amount</i>	<i>Reference</i>
1. Utility Plant System	\$200,000,000	F.P.C. Report
2. Construction Work in Progress	5,000,000	F.P.C. Report
3. Total Utility Plant System	205,000,000	1 + 2
4. Utility Plant Minnesota	110,000,000	UTL Report
5. Construction Work in Progress Minnesota	5,000,000	UTL Report
6. Total Utility Plant Minnesota	115,000,000	4 + 5
7. Minnesota Plant to System Plant	56.10%	6 ÷ 3
8. Weighting Factor	90%	
9. Minnesota Weighted % Original Cost	50.49%	7 × 8
10. Gross Revenue System	105,000,000	F.P.C. Report
11. Gross Revenue Minnesota	40,000,000	UTL Report
12. Minnesota Revenue to System Revenue	38.10%	11 ÷ 10
13. Weighting Factor	10%	
14. Minnesota Weighted % Revenue	3.81%	12 × 13
15. Total Minnesota Percent	54.30%	9 + 14
16. Unit Value	166,646,613	Example 1, line 16
17. Minnesota Portion of Unit Value	\$ 90,489,111	15 × 16

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## Example 4. Computation of apportionable value of utility company.

	<i>Amount</i>	<i>Reference</i>
1. Minnesota Portion of Unit Value	\$90,489,111	Example 3, line 17
2. Excludable Items:		
a. Land Assessed Locally	3,000,000	UTL Report
b. Land Rights	—	
c. General Plant Items	\$10,000,000	UTL Report
d. Pollution Control Equipment	10,000,000	UTL Report
e. Less Depreciation @ 17%	3,400,000	(c + d) × 17%
f. Net General Plant & Pollution Control Items	16,600,000	(c + d) - e
g. Total Excludable Items	19,600,000	a + f
3. Minnesota Apportionable Value	70,889,111	1 - 2g

## Example 5. Apportionment to local taxing districts of Minnesota portion of unit value after adjustments.

Assume: Tax districts 1 and 2 have power plants and distribution lines. Tax districts 3 and 4 have distribution lines only. Minnesota portion of unit value after adjustments = \$70,889,111.

Tax District	1	2	3	4	Total
1. Last Limited Market Value:					
a. Structures	\$ 5,000,000	\$10,000,000			\$15,000,000
b. Machinery	10,000,000	20,000,000			30,000,000
c. Personal Property	1,000,000	3,000,000	\$ 6,000,000	\$ 5,000,000	15,000,000
d. Total	\$16,000,000	\$33,000,000	\$ 6,000,000	\$ 5,000,000	\$60,000,000
2. Additions Including Construction in Progress at Original Cost			3,000,000	3,000,000	6,000,000
3. Retirements at Last Limited Market Value (Machinery)		(1,000,000)			(1,000,000)
4. Additional Value Due to Average Cost per Kilowatt Computation ((\$4,000,000 Less 17% Depreciation Allowance)	3,320,000				3,320,000
5. Updated District Total	\$19,320,000	\$32,000,000	\$ 9,000,000	\$ 8,000,000	\$68,320,000
6. Percent of Total (Line 5 by Tax District ÷ Line 5 Total)	28.28%	46.84%	13.17%	11.71%	100.00%
7. Portion of Minnesota Adjusted Unit Value (Line 6 × \$70,889,111)	\$20,047,441	\$33,204,459	\$ 9,336,096	\$ 8,301,115	\$70,889,111
8. New Market Value*					
a. Structures	\$ 6,336,595	\$10,376,393			\$16,712,988
b. Machinery	12,673,190	19,715,148			32,388,338
c. Personal Property	1,037,656	3,112,918	9,336,096	8,301,115	21,787,785
d. Total	\$20,047,441	\$33,204,459	\$ 9,336,096	\$ 8,301,115	\$70,889,111

\*Computed by finding percentage of 1a, 1b, 1c plus any additions and minus any retirements in 2, 3, 4 ÷ line 5. This percentage × line 7 equals new market value by classification. Example: District 2, line 1b (\$20,000,000) minus line 3 (\$1,000,000) = \$19,000,000 ÷ line 5 (\$32,000,000) = 59.38% × line 7 (\$33,204,459) = \$19,715,148.

# PROPOSED RULES

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## State Arts Board Review of Requests for Distribution of Grants and Loans

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the State Office Building, Auditorium on December 10, 1975 commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard. The MSAB expects that 3 employees and the chairperson of the MSAB will attend on behalf of the MSAB.

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 Bernard Singer, hearing examiner, 1745 University Ave., St. Paul, MN 55104, (612) 296-8117 either before the hearing or within 20 days after the close of the hearing.

The proposed rules are attached hereto. Additional copies of the proposed rules are now available and one additional free copy may be obtained by writing to the Minnesota State Arts Board, 314 Clifton Avenue, Mpls., MN 55403. Additional 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. § 139.10 subds. (e) and (f) (Supp. 1975). 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 State Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual.

### Rules as Proposed

#### Table of Contents

MSAB 1: Authority for the Rules

MSAB 2: Purpose of the Rules

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MSAB 4: Definitions

MSAB 5: Requests for Information

MSAB 6: Grant Application and Review Procedure

MSAB 7: Responsibilities of Grantee

MSAB 8: Advisory Committees

**MSAB 1: Authority for the rules. These Rules are adopted pursuant to Minn. Stat. § 139.10, subds. (e) and (f) (Supp. 1975).**

**MSAB 2: Purpose of the rules. The purpose of these Rules is to set forth procedures to be followed by the Board in receiving and reviewing requests for and distribution of grants, loans and other forms of assistance.**

**MSAB 3: Whom the rules govern. These Rules govern the Board; advisory committees; and all individuals, sponsoring organizations, departments, and agencies of the state and political subdivisions who wish to receive grants, loans or other forms of assistance.**

**MSAB 4: Definitions. For the purposes of these Rules, the following terms shall have the meanings given them:**

A. "Advisory committee" means a group of citizens selected and convened by the Board to review and recommend on policy and distribution of forms of assistance offered by the Board.

B. "Applicant" means (1) any individual who submits an application for a grant, loan or other form of assistance, or (2) any sponsoring organization, department or agency of the state or political subdivision on whose behalf an application for a grant, loan or other forms of assistance is submitted.

C. "Authorizing official" means the person who signs the grant application of a sponsoring organization, political subdivision, or department or agency of the state.

D. "Board" means the Minnesota State Arts Board.

E. "Certified audit report" means a document prepared and signed by a Certified Public Accountant showing the total fiscal activity of a project or program.

F. "Grant contract" means the grant notification letter signed by grantee or grantee's authorizing official.

G. "Grantee" means an applicant whose application

## PROPOSED RULES

is accepted by the Board and who signs the grant contract.

H. "Grant notification letter" means the letter notifying an applicant of acceptance or rejection of his application.

I. "Guidelines" means statements issued and published periodically by the Board containing a description of available grant categories, deadlines, review dates, suggested project starting dates, and general criteria to be met by all applicants.

J. "Loans" means monies given to an applicant which are to be repaid to the Board according to the conditions specified in the grant contract.

K. "Matching Funds" means grantee's share of the financial support for a project or program. All grantees, other than individuals, are required to match grants dollar for dollar. The source of matching funds may be one or more of the following:

1. Cash. Applicant must be able to prove availability of cash matching funds by bank statements, etc.

2. In Kind. In kind means items such as materials, labor, space, etc., which can be given a dollar value. Applicant must be able to prove that in kind match is committed to the project or program.

3. Revenue. Revenue means anticipated receipts from sale of tickets or products.

L. "Other Form of Assistance" means staff consultation or workshops with individuals or groups who have developed or are interested in developing projects or programs in the arts but need advice on matters such as budgeting, administration, production, technology, etc.

M. "Project director" means person designated by a sponsoring organization, political subdivision or department of agency of the state as the individual responsible for the implementation of the project or program for which the application is made.

N. "Regional arts task force" means an advisory committee which reviews applications originating within its district. The state is divided into thirteen regional development commission districts.

**MSAB 5: Requests for information.** All requests for information concerning the grant application process

may be made at the offices of the Board, in person, by phone or letter. Upon such a request, the Board will provide a copy of these Rules, an official application form, a copy of the current guidelines and any other information which may be helpful.

**MSAB 6: Grant application and review procedure.**

A. All applications for grants, loans and other forms of assistance must be made on official application forms available at the offices of the Board.

B. A copy of these Rules and the current guidelines will be included with each application form.

C. All applications must be made by the deadlines and according to the instructions and conditions set forth in the guidelines.

D. All applications of a sponsoring organization, political subdivision or agency or department of the state must name a project director.

E. The staff will review all applications for accuracy and completeness. The staff will also convene advisory committee meetings for purposes of reviewing program grant applications and will convey pertinent information regarding each application to the advisory committee.

F. Applicants will be notified of the receipts of the applications and the need, if any, for changes or supplementary material.

G. Applications, when complete, will be submitted to the appropriate advisory committee for review.

H. After its review, the advisory committee will submit its recommendations to the Board along with a statement explaining its reasons for recommending acceptance or rejection of the application.

I. The Board will receive comments and recommendations from the professional staff on all aspects of applications, with the exception of artistic merit.

J. The Board shall give considerable weight to the recommendations of the advisory committees.

K. The Board shall make all final decisions as to acceptance or rejection of grant applications.

L. The Board may request a revised budget and/or project description before taking final action.

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

## PROPOSED RULES

M. All applicants will receive a grant notification letter of acceptance or rejection within 30 days of final review of the application by the Board except when a revised budget is necessary. In that case, applicants will receive a grant notification letter within 30 days of receipt of the revised budget by the Board.

N. Applications and supplementary materials will not be returned unless requested.

### MSAB 7: Responsibilities of grantee.

A. Grantee or authorizing official must sign or return to the Board, within 30 days, one copy of the grant notification letter.

B. Grantee must acknowledge assistance by the Board on all written materials relating to the project or program such as programs, news releases, posters, etc.

C. Grantee must notify the Board in writing if the program or project is changed in any way, at any time from the way in which it was described in the grant application.

D. Grantee must permit the Board to view the project or program at any time for purposes of evaluation.

E. Grantee must submit, upon request by the Board, a certified audit report at any time during the project or after completion of the project.

F. Grantee must submit a fiscal report, within 30 days of the completed project or program, to be completed by grantee or authorizing official on forms provided by the Board.

### MSAB 8: Advisory committees.

A. The Board shall appoint advisory committees in each of the following areas of the arts to review applications in those areas:

1. architecture
2. dance
3. music
4. literature
5. theatre
6. visual arts
7. special projects

8. film/video

9. regional arts task force

B. The Board may appoint advisory committees in additional areas of the arts or discontinue the advisory committees in any of the above listed areas as it deems necessary.

C. The Board will appoint an advisory committee to review applications for subsidy grants.

D. Members of each advisory committee shall be individuals with special expertise in that particular area of the arts. Committee members will be selected by the Board from among practitioners, administrators, educators, volunteer directors of arts organizations, trustees of arts organizations and consumers of arts forms.

E. Appointments to advisory committees shall be made by majority vote of the Board. Members shall serve at the pleasure of the Board for three year terms. One-third of the terms of the members of each committee shall expire each year.

F. Sixty days prior to expiration of terms of advisory committee members, the Board will publish and post notice of such openings. Nominations will be actively solicited and accepted by the Board. Nominations should be in writing and should include all pertinent information including nominees' qualifications and experience in the arts generally and in the particular area of the arts of the advisory committee on which the nominee will serve.

G. Advisory committees will, insofar as reasonably possible, be geographically balanced.

H. Advisory committees, in reviewing applications, will consider the following factors generally as well as specific factors or conditions set by guidelines:

1. merit and quality of project generally. Of necessity this must be a subjective recommendation by committee members.

2. technical skills of applicant or ability of applicant to retain individual with the necessary technical skills.

3. if matching funds are required of an applicant, whether applicant has obtained those funds from local community or region. Support from local community or region is highly desirable.

4. demand or need for project. Applicants may include market studies, surveys, endorsements, etc.



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I. Members of the advisory committees will be reimbursed for travel expenses incurred to attend advisory committee meetings as per state reimbursement policy.

## Department of Education Board of Teaching

### Procedures for Issuance of Licenses for Teachers, School Nurses, and Interscholastic Coaches

#### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1975), in the above-entitled matter in the State Office Building, Auditorium, St. Paul, Minnesota 55101 on Saturday, December 11, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Written material may be submitted without appearing at the hearing and may be submitted and recorded in the hearing record for twenty (20) days after the public hearing ends.

The Board proposes to amend or repeal its existing rules governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools. The authority of the Board to promulgate the proposed rules is found in Minn. Stat. chs. 15 and 125, as amended, and Laws of 1976, ch. 222. A copy of the proposed amendments and repeals is attached hereto.

Under 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.

Copies of the proposed rules are now available and may be obtained by writing to:

Minnesota Board of Teaching  
607 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Additional copies of the proposed rules will be available at the door on the date of the hearing.

Kenneth L. Peatross,  
Executive Secretary

#### Rules as Proposed

Chapter One: Licenses; Issuance, Renewal, and Continuing

[BT 2-4 Reserved for future use.]

**BT 2 Procedures for issuance of life licenses.**

**A. Any teacher currently holding a license in Minnesota having a minimum of five years teaching experience and subject to the rules of the board of teaching who was actually employed as a teacher in the State of Minnesota, as defined in Minn. Stat. § 179.63, in the school year immediately preceding July 1, 1969, may apply for and receive a life license applying to the grades and subjects taught upon payment of fees as established by the board of teaching provided that the application is submitted to the department of education prior to July 1, 1978.**

**B. This rule will expire on July 1, 1978, without further action by the board of teaching.**

**BT 3 Issuance and renewal of all licenses; fees.**

**A. All licenses to teach shall be issued and/or renewed in accordance with Minn. Stat. § 125.05 and criteria established in rules of the board of teaching and shall be valid for the period of time specified in rules of the board of teaching:**

- 1. Limited license — valid for 1 year.**
- 2. Entrance license — valid for 2 years.**
- 3. Continuing license — valid for 5 years.**

**B. All licenses to teach shall bear the date of issue and the date of expiration and may be renewed on or before July 1 in the year of expiration.**

**C. After July 1 in the year of expiration, all licenses to teach not renewed shall be deemed expired and no longer valid for teaching.**

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

## PROPOSED RULES

**D. Each application for the issuance and/or renewal of a license to teach shall be accompanied by a processing fee in the amount of twenty dollars (\$20.00). Such fees shall be paid to the commissioner of education who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.**

**E. The fee shall be nonrefundable for applicants not qualifying for a license, provided however, that the fee shall be refundable by the state treasurer in those cases in which the applicant already holds a valid unexpired license.**

**F. This rule shall become effective on July 1, 1977.**

BT 4 Reserved for future use.

### Chapter Seven: Licensure; Supervisory and Support Personnel

[BT 106 School nurse.

The board of teaching will issue licenses as school nurse to applicants who meet the requirements of this section, BT 106 A. or BT 106 B. Nothing in this section shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse.

#### A. Professional license (for Public Health Nurses).

1. A professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:

a. Current registration to practice as a licensed registered nurse in Minnesota, and

b. A baccalaureate degree from a regionally accredited college or university, and

c. Licensed as a public health nurse pursuant to Minn. Stat. 145.10.

2. Renewal of two year license.

a. May be renewed for five years after one year of successful experience, and

b. A minimum of nine quarter or six semester hours of credit in college courses which must be earned from two of the four following fields:

(1) Curriculum

(2) Education of Exceptional Children

(3) Educational Psychology

(4) School Health Instruction or School Health Program.

C. The five-year professional license may be renewed according to general rules of the board of teaching pertaining to continuing education.]

#### BT 106 School nurse.

A. The board of teaching may issue licenses as school nurse to applicants who meet the requirements of Bt 106 which follow. All persons employed as nurses by school districts shall hold a valid Minnesota license as school nurse.

B. A professional license as school nurse, valid for two years, may be granted to an applicant who provides evidence to the director of teacher certification that the following requirements have been met:

1. A baccalaureate degree from a regionally accredited college or university, and

2. Current Minnesota registration to practice as a licensed registered nurse, and certification as Minnesota public health nurse, and

3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

a. Child Growth and Development

b. Public Health

c. Special Education

and

4. a minimum of 9 quarter hours, or the equivalent, of additional work in two or more of the following fields:

a. Health Curriculum

b. School Health or School Nursing

c. Public Health

d. Speical Education

e. Educational Psychology.

C. Issuance of the first five-year license.

## PROPOSED RULES

An applicant holding a valid two-year license as a school nurse may be granted a five-year license after one year of successful experience.

D. The five-year continuing license may be renewed according to general rules of the board of teaching pertaining to continuing education.

E. Maintaining licensure.

1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.

2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.

F. Effective date: July 1, 1980.

G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:

1. Current registration to practice as a licensed registered nurse in Minnesota, and

2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1980.

3. The first five-year license may be issued

a. After one year of successful experience while holding the two-year license, and

b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

- (1) Child Growth and Development
- (2) Public Health

(3) Special Education

and

c. a minimum of 21 quarter hours, or the equivalent, or additional work in two or more of the following fields:

- (1) Health Curriculum
- (2) School Health or School Nursing
- (3) Public Health
- (4) Special Education
- (5) Educational Psychology

4. The first five-year license may be issued to applicants who have completed a. and b., above. If an applicant has been unable to complete requirements set forth in b, above, during the period of the initial two-year license, not more than one additional two-year license may be granted during which time requirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.

5. The five-year continuing license may be renewed according to general rules of the board of teaching pertaining to continuing education.

6. In order to retain licensure as a school nurse, current registration as a registered nurse, or certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or certification shall be grounds for revocation of licensure as a school nurse.

7. The provisions of section G. shall pertain until July 1, 1982, when section G. shall be deleted from BT 106 without further action by the board and all applicants shall, from that date forward, qualify for licensure as school nurse under BT 106, sections A., B., C., D., and E.

[BT 108 Public school athletic coaches.

A. A teacher in a secondary school who is head coach in any of the following areas: football, basketball, track, hockey, wrestling, baseball, shall be licensed either through professional preparation in the physical education major or

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## PROPOSED RULES

minor program, or through a special coaching requirement in physical education.

1. The special coaching requirement is acceptable when the approved preparing institution certifies to the commissioner of education that such person has completed, in addition to his regular teacher education program, not less than nine quarter hours in courses of which Principles of Physical Education is required, and the remaining courses selected from at least two of the following four areas:

- a. Administration of Athletics
- b. First Aid and Prevention and Care of Athletic Injuries
- c. Human Science
- d. Coaching and Athletic Techniques.

B. Effective with the 1966-67 school year, such licensure of new head coaches as stated above shall become mandatory. This requirement does not apply to teachers contracted for as head coaches prior to September 1, 1966.]

[BT 109 Public school coaches, girls' interscholastic sports. Effective July 1, 1978.

A. Any person employed as a coach of girls' interscholastic sports, full-time or part-time, shall

1. have a teaching license and
2. be under contract with the local board of education, and
3. obtain a license for public school coaches, girls' interscholastic sports which shall be granted upon submission of evidence showing satisfactory completion of a program which has been approved by the state department of education.

B. In order to obtain approval, programs leading to a license as a public school coach, girls' interscholastic sports, shall provide for:

1. 18 quarter hours (or the equivalent) of experiences designed to develop competencies in all of the following areas:
  - a. The foundations of girls' and women's sports
  - b. Theory and techniques of coaching
  - c. Organization and management of girls' interscholastic sports

d. Growth and development and psychology of adolescent behavior

e. Medical aspects of coaching girls' sports (prevention and care of girls' athletic injuries)

f. Scientific basis of conditioning and skills performance

g. Sports officiating

2. A practicum, Inservice Coaching for Women.

3. Means for assessment of the competencies to be developed.

C. Renewal of the first or entrance license as a public school coach, girls' interscholastic sports, is contingent upon the possession of a valid teaching license in a major field and one season of coaching experience in one or more girls' interscholastic sports.

D. The continuing license may be renewed according to general rules of the state board of education pertaining to continuing education, except that no person shall receive a continuing license as a public school coach, girls' interscholastic sports, until requirements of BT 109 A have been fulfilled.]

### **BT 108 Coaches of interscholastic sports in the elementary and secondary schools.**

**A. Interscholastic sports include those in which there is practice on a regular basis, and competition is against other school athletic teams both within and outside the school district.**

**B. All candidates for coaching licenses must have a baccalaureate degree, have a valid teaching license as an elementary or secondary school classroom teacher, and have satisfactorily completed a program to prepare coaches which has been approved by the department of education.**

**C. A head varsity coach is the coach who has the primary responsibility for a senior high school varsity interscholastic sport in a school.**

**D. Varsity is the highest level of competition in a senior high school.**

**E. Any person employed as a coach of interscholastic sports, K-12, full-time or part-time, shall hold a valid coaching license. There shall be two classes of licenses:**

**Class A — Head varsity coach of interscholastic sports at the senior high school level.**

## PROPOSED RULES

**Class B** — All coaches other than head varsity coaches including varsity assistants and head or assistant coaches of interscholastic sports in all other levels, K-12.

### F. Class A.

1. All candidates recommended for Class A licensure shall have satisfactorily completed a program approved by the department of education of at least 18 quarter hours or the equivalent which provides for the development and evaluation of competencies in all of the following areas:

#### a. Athletic injuries.

(1) Skills to render emergency care (first aid).

(2) Professional and legal responsibilities of the coach for prevention of injuries and rehabilitation under medical supervision.

#### b. Science of sport.

(1) Principles of anatomy and kinesiology as related to athletic performance.

(2) Principles of exercise physiology as related to athletic performance.

#### c. Theory and practice of sport techniques.

(1) Specific skills, techniques, rules, and strategies of one or more sports.

(2) Basic mechanics of officiating in one or more sports.

#### d. Psychology of sports and coaching.

(1) Basic humanistic psychological and sociological principles of coaching.

(2) Motivational techniques.

(3) Relationship of learning theories to athletic experience.

#### e. Philosophy of sports and coaching.

(1) Historical and emerging roles of men and women in sports and the values developed from participation.

(2) Interrelationship of athletics with the total educational program.

#### f. Administrative aspects of coaching.

(1) Appropriate state and federal legislation related to athletics.

(2) Rules of appropriate governing organizations.

(3) Sample local school system athletic rules in areas of insurance, transportation, accident reporting, budget procedures, equipment maintenance, methods of scheduling, and utilization of facilities.

(4) Public relations procedures relating to students, faculty, community, and media.

2. Practical experience: satisfactory completion of a practicum in inservice coaching.

### G. Class B.

1. All candidates recommended for Class B licensure shall have satisfactorily completed a program approved by the department of education of at least 9 quarter hours or the equivalent which provides for the development and evaluation of competencies in all of the following areas:

#### a. Athletic injuries.

(1) Skills to render emergency care (first aid).

(2) Professional and legal responsibilities of the coach for prevention of injuries and rehabilitation under medical supervision.

#### b. Theory and practice of sport techniques.

(1) Specific skills, techniques, rules, and strategies of one or more sports.

(2) Basic mechanics of officiating in one or more sports.

#### c. Psychology of sports and coaching.

(1) Basic humanistic psychological and sociological principles of coaching.

(2) Motivational techniques.

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## PROPOSED RULES

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(3) Relationship of learning theories to athletic experience.

### H. Class A licenses only.

1. All current holders of coaching licenses or those who qualify for coaching licenses between this date and the date that the new rule goes into effect, shall be considered to have met this rule, except that those who qualify during such interim must provide evidence of competency in first aid and the prevention and care of athletic injuries.

2. All interscholastic coaches currently coaching or having coached within the past three years, without coaching licensure and with three years of coaching experience shall be considered to have met this rule by showing evidence of competencies by July 1, 1978, in the following areas:

a. First aid and prevention and care of athletic injuries.

b. Theory and practice of sport techniques.

c. Psychology of sports and coaching.

d. Philosophy of sports and coaching.

I. Evidence shall be provided to show that programs submitted for approval have been developed with appropriate participation from professional associations; elementary school teachers, secondary school teachers, and administrators in schools which work with the training institutions; and students and interested citizens.

J. Programs submitted for approval shall include all of the following:

1. A statement of rationale which sets forth the view of the institution with respect to the role of coaches.

2. An enumeration of specific competencies to be developed in the proposed program including competencies in each of the categories listed in F., above.

3. A description of program components which includes statements which specifically relate individual components of the program to the competencies required of all prospective coaches.

4. A plan for assessing individual candidate's development of the required competencies.

K. Programs may be approved which vary in curricular design provided that program components meet the requirements in sections A.-J., above, and that these

components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

L. The issuance of the first continuing license is contingent upon:

1. The candidate's possession of a previously issued valid and appropriate entrance license as a coach, and

2. One season of experience in coaching interscholastic sports during the time that the applicant holds the entrance license as a coach.

M. The continuing license may be renewed according to general rules of the board of teaching pertaining to continuing education.

N. This provision is effective July 1, 1978, for all applicants for entrance licenses.

## Environmental Quality Council

### The Environmental Coordination Procedure Act

#### Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412 (1974) and Laws of Minnesota, ch. 303, commencing at 9:00 a.m. in St. Paul in Conference Room A of the Capitol Square Building, 550 Cedar Street on December 9, 1976. The hearing will be continued to such time and place as the Hearing Officer may designate until all representatives of associations or other interested groups or persons have had an opportunity to participate and be heard concerning adoption of the proposed rules captioned above, by submitting either oral or written data, statements or arguments. In addition, written materials may be submitted by mail to the Office of Hearing Examiners; Howard Kaibel, Hearing Examiner; Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 20 calendar days after the close of the hearing.

The proposed Rules, if adopted, would provide an optional procedure to assist a person who, in the course of satisfying the requirements of state government, before undertaking a

## PROPOSED RULES

project which contemplates the use of the state's air, land, or water resources, must obtain more than one permit; assist in identifying all such permits needed for project implementation; provide for a single hearing on all permit applications; establish time frames for agency decision making; provide the reasons for agency decisions in approving or denying permit applications; and establish permit information centers in St. Paul and in Regional Development Commission offices.

Copies of the proposed rules are now available for review at the following locations:

Minnesota Environmental Quality Council  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

Offices of Regional Development Commissions

Minnesota Environmental Quality Council's Designated Distribution Points —

Regional Libraries:

### Region 1

Polk County-Crookston Library  
120 North Ash Street  
Crookston, MN 56716  
218/281-4522

### Region 2

Bemidji Public Library  
Sixth and Beltrami  
Bemidji, MN 56601  
218/751-3963

### Region 3

Duluth Public Library  
101 West Second  
Duluth, MN 55802  
218/722-5803

### Region 4

Fergus Falls Public Library  
125 North Union  
Fergus Falls, MN 56537  
218/739-9387

### Region 5

Kitchigami Regional Library  
Pine River, MN 56474  
218/587-2171

### Region 6E

Crow River Regional Library  
410 West Fifth  
Willmar, MN 56201  
Attn: Burt Sundberg  
612/235-3162

### Region 6W

Chippewa County Library  
224 South First Street  
Montevideo, MN 56265  
612/269-6501

### Region 7E

East Central Regional Library  
240 Third Avenue S.E.  
Cambridge, MN 55008  
612/689-1901

### Region 7W

Great River Regional Library  
124 South Fifth Avenue  
St. Cloud, MN 56301  
612/251-7282

### Region 8

Marshall-Lyon County Library  
301 West Lyon Street  
Marshall, MN 56258  
507/532-2849

### Region 9

Minnesota Valley Regional Library  
120 South Broad Street  
Mankato, MN 56001  
507/387-3431

### Region 10

Rochester Public Library  
Broadway at First Street, S.E.  
Rochester, MN 55901  
507/288-9070

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# PROPOSED RULES

## ECOL

Environmental Conservation Library (ECOL)  
300 Nicollet Mall  
Minneapolis, MN 55401  
Attn: Nancy Johnson  
612/372-6609

Notice is also given that under 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. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

For further information concerning this hearing, contact the Environmental Permit Coordination Unit at 612/296-8542.

Peter Vanderpoel  
Chairman

## Rules as Proposed

MEQC 101 Authority, purpose, exemptions, definitions.

**A. Authority.** These Rules are prescribed by the Minnesota Environmental Quality Council under:

1. Minn. Stat. § 116C.23 (1976), establishing an environmental permits coordination unit. This unit will implement the provisions of Minn. Stat. §§ 116C.22 through 116C.34 (1976), herein titled the Environmental Coordination Procedures Act;

2. Minn. Stat. § 116C.32 (1976), to adopt rules, not inconsistent with rules of procedure established by the office of hearing examiner, implementing the Environmental Coordination Procedures Act.

**B. Purpose.** These Rules provide an optional procedure to assist a person who, before undertaking a project which would use the state's air, land, or water resources, must obtain more than one state permit as defined by these Rules. The assistance involves: identifying all such required permits before the project is implemented; providing a single hearing on all permit applications; establishing time frames for the making of agency decisions; and providing the reasons that agencies approve or deny the permit applications.

**C. Exemptions.** These Rules shall not apply to projects that:

1. Require permits issued under Minn. Stat. ch. 93 (1974), pertaining to reservations, permits and leases of state owned mineral lands; Minn. Stat. §§ 116C.51 to 116C.69 (1973), the Minnesota Power Plant Siting Act; or Minn. Stat. § 116H.13 (1975), pertaining to certificates of need for large energy facilities; or

2. Are initiated for taconite tailings disposal or mining, or producing or beneficiating copper, nickel or copper-nickel.

**D. Definitions.** The terms specified below shall have the following meanings for the purpose of these Rules:

1. "Agency" means a state department, commission, board or other instrumentality of the state, however titled, or a local government unit or instrumentality if that local unit is acting within existing legal authority to grant or deny a permit that otherwise would be granted or denied by a state agency.

2. "Coordination Unit" means the Environmental Permits Coordination Unit established pursuant to Minn. Stat. § 116C.25 (1976), to assist persons using the master application process.

3. "Council" means that agency established pursuant to Minn. Stat. § 116C.03 (1973), to coordinate interaction among the state agencies concerning solutions to the State's environmental problems.

4. "Days": In computing any period of time prescribed or allowed in these Rules, the day the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period will extend until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is 15 days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded.

5. "Environmental Review Process" means any procedure for review established by the Council pursuant to Minn. Stat. § 116D.04, subd. 2 (1973).

6. "Hearing examiner" means a hearing examiner regularly appointed or assigned by contract as provided for in Minn. Stat. § 15.052 (1975).

7. "Joint hearing" means the optional hearing at which one or more agencies participate as herein described as a replacement for individual state agency hearings that may be held following each agency's separate permit review procedures.

8. "Local government unit" means a county, city,



## PROPOSED RULES

town, or special district with legal authority to issue a permit.

9. "Master application" means an application requesting the issuance of all state permits necessary for construction or operation of a project requiring more than one permit.

10. "Participating agency" means an agency with one or more permit programs under its jurisdiction that are pertinent to a project for which a completed master application has been submitted to the coordination unit.

11. "Permit" means a license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with, the natural resources of land, air or water, which is required to be obtained from a state agency prior to constructing or operating a project in this state. Nothing in these Rules shall relate to the granting of a proprietary interest in publicly owned property through a sale, lease, easement, use permit, license or other conveyance.

12. "Permit information center" means an office established to provide information to the public about the requirements of state and local government regulations concerning the use of natural resources and protection of the environment.

13. "Person" means an individual, an association, partnership, or cooperative, or a municipal, public, or private corporation, including but not limited to a state agency and a county.

14. "Project" means a new activity or an expansion of or addition to an existing activity, which is fixed in location and which requires permits from an agency(ies) prior to construction or operation, including but not limited to industrial and commercial operations and development.

15. "Regional Development Commission" means any Regional Development Commission created pursuant to Minn. Stat. §§ 462.381 to 462.396 (1971), and the Metropolitan Council created pursuant to Minn. Stat. ch. 473B (1971).

MEQC 102 Master application.

A. Scope. A person proposing a project that might require more than one permit may, before the initial

construction of the project or the initial operation of the project if construction of the project requires no permits, submit to the Coordination Unit a master application requesting the issuance of all permits necessary for construction and (or) operation of the project.

1. Other permits, in addition to those defined by these Rules, may be included in these permit coordination procedures if the applicant and state regulatory agency so agree and if such procedure is permissible under the statutes and regulations that apply to such nonincluded permits. A written agreement to such an arrangement shall be provided to the Coordination Unit at the time the completed master application is submitted by the applicant. If such other permit applications are included within the master application process, they shall remain with the process until final disposition of the master application and for purposes of the master application process shall be included as a permit as defined by these Rules.

2. If a permit is required for the operation of a project or if a state agency must approve the engineering design plans of a project, and if sufficient information needed by the agency to reach a decision would be unavailable through the master application process, then that permit or approval may be processed independently from the master application process provided both the applicant and the agency agree.

B. Master application form. The Coordination Unit shall provide a master application form which requests information necessary for participating agencies to determine permit applicability. Information required shall include but not be limited to:

1. The name and address of the applicant.

2. The location of the project.

3. A description of the project, including but not limited to possible discharges of waste; use of or interference with natural resources; the time for project completion; and, if the project is to be phased, the timing of such phases.

C. Signatories. Permit forms of participating agencies shall be signed as required by the rules and regulations of the respective agencies. Any form, exclusive of participating agencies' permit forms, submitted to the Coordination Unit shall be signed as follows:

1. In the case of a corporation, by a principal

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## PROPOSED RULES

executive officer or his duly authorized representative or agent, if such representative or agent is responsible for the project for which the permit is requested.

2. In the case of a partnership, by a general partner.

3. In the case of a sole proprietorship, by the proprietor.

4. In the case of a municipal, state or other public signatory, by either a principal executive officer, ranking elected official, or other duly authorized employee.

**D. Certification.** The Coordination Unit shall provide certification application forms which shall be submitted respectively by all applicants as follows:

1. Certification must be obtained from the local government unit(s) in which the proposed project will be located that the project complies with all local zoning ordinances, subdivision regulations, and environmental regulations administered by the local government unit. Certification under this paragraph must be issued not more than 120 days before the submission date of the master application.

a. No local government unit shall rescind such a certification until the master application process, including any administrative or judicial reviews, is completed. Upon certification, the local government unit may change its zoning ordinances, subdivision regulations, or environmental regulations, but not so as to affect the proposed project while it is involved in the master application process.

b. A local government unit denial of certification shall not be appealable under these Rules. Such denial shall not preclude the applicant from filing a permit application under any other available statute or procedure.

c. Within 45 days after the applicant has submitted a certification application form to the local government unit, the unit shall return the completed form to the applicant or notify the applicant in writing that the certification is denied, including the reasons for the denial.

2. Certification must be obtained from the Council, that an environmental impact statement on the project either has been completed or is not required. Within five days after the first Council meeting following submission of a certification application form to the Council, the Council shall return the completed form or notify the applicant in writing that the proposed project is undergoing review under the environmental review

process. Upon completion of the environmental review process, the Council shall return to the applicant a completed form within ten days. If an environmental impact statement was required on the project, a copy of the completed environmental impact statement shall be attached to the Council's certification.

E. Acceptance for processing. Upon receipt of a completed master application, including certifications required in MEQC 102D, the Coordination Unit shall immediately notify the applicant that the application has been accepted and is ready for processing.

1. Upon acceptance, the Coordination Unit shall immediately notify in writing each agency having a possible permit interest in the project. The notice shall be accompanied by a copy of the master application.

2. Each notified agency shall respond in writing to the Coordination Unit within 20 days of receipt by the agency of the master application, advising whether the agency will or will not require a permit for the described project. If the agency responds affirmatively, it shall include application forms and information concerning the specific permit program(s) applicable to the project as described and state whether a public hearing is required or appropriate relating to permit requirements for the project; *provided*, that a statement whether a public hearing is required or appropriate relating to National Pollutant Discharge Elimination System (NPDES) permit requirements for the project shall not be required at this time. If an agency affirms that a public hearing is required or appropriate, it shall provide a brief statement identifying the reasons.

3. A notified agency that makes a timely response indicating that a permit(s) is not required, or that fails to make a timely response concerning a permit program or programs, shall not require such a permit of the applicant for the described project unless:

a. The master application provided to the agency contained false, misleading, or deceptive information, or lacked information, that would reasonably lead the agency to misjudge the applicability of its permit(s) to the project; or

b. Subsequent laws or rules require additional permits; or

c. Unusual circumstances prevented the agency from notifying the Coordination Unit, and the agency can establish that failure to require a permit would result in substantial harm to the public health and welfare.

4. If the conditions listed in MEQC 102 3.a. or 3.c. arise, the affected agency(ies) shall so notify the Coordi-

## PROPOSED RULES

nation Unit and the Council and request a determination whether an order should be issued to require the relevant permit(s). Included with the agency's request shall be a statement justifying the need to require the additional permit(s). The Council at its first meeting held more than 15 days after being notified by the agency shall determine as to whether the permit(s) shall be required. If additional permit(s) are required necessitating a change in the notice required by MEQC 105A. or a change in the joint hearing procedures of MEQC 106A., the agency requiring the additional permit(s) shall pay the cost, if any, of such change.

F. If the applicant, on his own volition, alters the proposed project in a way that affects the certifications required in MEQC 102D. or an agency response required in MEQC 102E.2., the master application process shall be terminated. The applicant may resubmit a new master application form including the required certifications. If the joint hearing required in MEQC 105 has been held prior to the alteration of the project, the applicant shall be responsible for the costs of any additional joint hearing that may be required.

**MEQC 103 Permit applications.** Within five days after the deadline for agency responses, the Coordination Unit shall submit to the applicant all necessary application forms for the permits identified in the affirmative agency responses described in MEQC 102E.2. The applicant shall complete and return these forms to the Coordination Unit, with any required individual permit fees, within 90 days.

A. **Transmittal to agencies.** Within ten days of receipt of the full set of completed forms the Coordination Unit shall send each application to the appropriate agency for its permit review in accord with the procedures of these Rules, provided, that a completed NPDES form shall be forwarded to the Minnesota Pollution Control Agency (MPCA) immediately upon receipt by the Coordination Unit.

B. **Priorities.** If an agency has a procedure for setting priorities in permit issuance according to the application date, the date used shall be the day the master application is received by the Coordination Unit.

**MEQC 104 NPDES Permit review.** Whenever the MPCA responds under MEQC 102E. that a NPDES permit is required for a master application, within 110 days after it has received a completed NPDES application under MEQC 103A. the MPCA shall complete all

permit review procedures necessary to determine the necessity or appropriateness of a hearing on the NPDES requirements for the project, and shall within the 110 days notify the Coordination Unit whether a hearing is required or necessary.

**MEQC 105 Notice.**

A. **Publication.** Immediately after transmittal of the completed permit applications and any required permit fees to the appropriate agency, the Coordination Unit shall publish notice, at the applicant's expense once each week on the same day of the week for three consecutive weeks, in a newspaper of general circulation in each county in which the project is proposed to be constructed or operated.

B. **Content.** The notice shall contain:

1. A description of the proposed project.
2. The name and address of the applicant.
3. The location of the project.
4. The permits applied for and the agencies with permit jurisdiction.
5. The Coordination Unit telephone number to contact for more information about the project.
6. A statement that a copy of the master application and a copy of all permit applications for the project are available for public inspection during normal business hours in the office of the county auditor of each county in which the project is proposed to be constructed or operated, and in other locations the Coordination Unit may designate.
7. Except as provided in MEQC 105C., the time and place of the joint hearing, to commence not less than 20 days or more than 45 days after publication of the last newspaper notice.
8. Additional information concerning the permit application or hearing, upon notification by a participating agency that such specified information is required to be provided in the notice.

C. **If joint hearing of no value.** If participating agency responses to the master application unanimously affirm that a public hearing concerning the master ap-

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## PROPOSED RULES

plication is not required and is not in the public interest, the newspaper notice shall not refer to a joint hearing. The notice shall state that members of the public may present relevant views and supporting material concerning specified permits in writing to the Coordination Unit within 30 days after the last notice has been published.

**D. Additional notice.** Persons wishing to receive notice by mail of master applications may do so upon written request. The request shall give the name and address of the person to receive notice and the counties for which master application notice is requested. The request shall be valid for one year and may be renewed upon notice of expiration by the Coordination Unit. Upon notification by the participating agency, the Coordination Unit shall also mail notices to any additional persons entitled to receive notice according to the requirements of individual permit programs.

**E. Confidentiality.** If an application notes that the applicant has certified confidentiality and written agency concurrence is pending, the subject information shall not be released unless the agency responds that the information is not to be certified as confidential.

### MEQC 106 Joint hearing.

**A. Joint hearing procedure.** When one or more agencies affirm that a hearing is required or appropriate relating to permit requirements for the project, the agency(ies) shall issue an order for a hearing. In preparing the order for hearing, the agency(ies) shall consult with the Coordination Unit in setting the time and place for the joint hearing. The Coordination Unit shall issue a notice that a joint hearing will be held pursuant to the contested case provisions of Minn. Stat. ch. 15 (1975), the Rules and Regulations of the Office of Hearing Examiners, and these Rules. Copies of the notice and order shall be immediately forwarded to participating agencies by the Coordination Unit.

**B. State agency participation.** Each participating state agency shall be represented at the joint hearing by its chief administrative officer or his designee. The representative shall participate in the portion of the joint hearing pertaining to submission of information, views, and supporting materials that are relevant to the specific permit application(s) under the jurisdiction of that agency. The manner of agency participation shall be consistent with the contested case provisions of the Rules and Regulations of the Office of Hearing Examiners. The hearing examiner may, when appropriate, continue a joint hearing from time to time and place to place. The joint hearing shall be recorded in any manner suitable for transcription pursuant to Minn. Stat. ch. 15 (1975). The record of the joint hearing shall be made available for public inspection by the Coordination Unit.

**C. Hearing examiner report.** Upon termination of the joint hearing, the hearing examiner's report, containing recommendations on each permit, shall be forwarded to the Coordination Unit. The Coordination Unit shall forward copies of the report to the participating agencies and to the applicant.

**D. Costs.** Costs of the joint hearing, computed by the hearing examiner's office, shall be apportioned equitably to each agency issuing an order for the hearing.

**E. Final agency decision.** Within 60 days of receipt of the hearing examiner's report, each participating state agency shall notify the Coordination Unit of its final decision on the permit applications within its jurisdiction, provided that this date may be extended by the Chairman of the Council for reasonable cause. A request for such extension, setting forth specific reasons, shall be filed with the Coordination Unit, which shall immediately notify the Chairman of the Council and the applicant. Such extension shall be the minimum time needed by the agency to reach a final decision and shall be considered an exception to normal operating procedure. Each final decision shall set forth the reasons for the decision together with a final order denying or granting the permit, including any conditions under which the permit is issued. Each final decision shall be consistent with the requirements of the Rules and Regulations of the Office of Hearing Examiners.

A person aggrieved by a final decision of an agency in granting or denying a permit shall seek redress directly and individually from that agency in the matter provided by Minn. Stat. ch. 15 (1975), or any other statute authorizing either judicial or administrative review of an agency decision.

**MEQC 107 Non-hearing procedure.** If no joint hearing is conducted, pursuant to MEQC 105C., the Coordination Unit shall, not less than 30 days after publication of the last newspaper notice, submit a copy of all views and supporting material it has received to the participating agencies. The participating agencies shall consider such information during review of permit applications. Concurrently, therewith, the Coordination Unit shall notify each participating state agency, in writing of the date, 60 days after agency receipt of such notice, of the date final decisions on applications shall be forwarded to the Coordination Unit, provided that this date may be extended by the Chairman of the Council for reasonable cause. A request for such extension, setting forth specific reasons, shall be filed with the Coordination Unit, which shall immediately notify the Chairman of the Council and the applicant. Such extension shall be the minimum time needed by the agency to reach a final decision and shall be considered an exception to normal operating

## PROPOSED RULES

procedure. Every final decision shall set forth the information required by MEQC 106E.

**MEQC 108 Agency decisions.** Upon receipt by the Coordination Unit of all final decisions of the participating agencies, the Coordination Unit shall immediately incorporate them, without modification, into one document and transmit the document to the applicant either personally or by registered mail.

**MEQC 109 Withdrawal from the master application process.**

**A. Agency withdrawal.** If an agency responds that it has one or more permit programs applicable to a project, it may at any time withdraw from further participation in procedures hereunder concerning such project by submitting written notification to the Coordination Unit, and the applicant that the agency has subsequently determined that it has no permit programs under its jurisdiction that are applicable to the project. If such withdrawal necessitates a change or withdrawal of any notice required under these Rules, said agency shall pay the cost, if any, of such change or withdrawal of notice.

**B. Applicant withdrawal.** If an applicant has initiated the master application process, the applicant may at any later time withdraw from further participation in the process by submitting written notification to the Coordination Unit. If such withdrawal necessitates a change or withdrawal of any notice required under these Rules, the applicant shall pay the cost, if any, of such change or withdrawal of notice.

**MEQC 110 Application.**

**A. Agency jurisdiction.** Each agency having jurisdiction to issue or reject a permit shall retain this authority as vested in it before the effective date of these Rules. Nothing in these Rules shall lessen or reduce such authority and these Rules shall modify only the procedures followed in carrying out such authority.

1. A state agency may, in performing its responsibilities under these Rules request or receive additional information from an applicant. A copy of that request or receipt shall be immediately forwarded to the Coordination Unit, which shall immediately notify all other participating agencies.

2. Fee schedules authorized by statute or rules for

an application or permit shall continue to be applicable even though the application or permit is processed according to these Rules. The Coordination Unit shall not charge the applicant or participating agencies a fee for services.

**B. Post-decision proceedings.** These Rules shall have no applicability to an application for a permit renewal, amendment, extension, or other similar document required subsequent to the completion of decisions and proceedings under MEQC 101 to MEQC 110, or to a replacement thereof or to a quasi-judicial or judicial proceeding held pursuant to an order of remand or similar order by a court in relation to a final decision of an agency.

**C. Nothing in these Rules shall modify in any manner whatsoever the applicability or inapplicability to the lands of any agency of any land use regulation, statute, or local government zoning ordinance.**

**D. The Council, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing and related procedural matters provided in these Rules.**

**MEQC 111-MEQC 114 Reserved for future use.**

**MEQC 115 Permit information centers grant program.**

**A. Applicability.** Funds appropriated for grants for the establishment of regional permit information centers by Minn. Stat. § 116C.34 (1976) and any future funding for such grants appropriated to the State Planning Agency shall be distributed to those public bodies authorized by laws pursuant to the recommendation of the Director of the State Planning Agency and these Rules.

**B. Eligibility.** A Regional Development Commission may apply for a grant from the Director of the State Planning Agency for the establishment of a regional permit information center provided that the following conditions are met:

1. The grant application is submitted before April 1, 1977.

2. The amount of the grant application does not exceed \$5,000.

3. The Regional Development Commission agrees

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## PROPOSED RULES

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to perform the following functions for at least one year following approval of the grant application.

a. Designate one person to act as liaison between the regional permit information center and the Environmental Permit Coordination Unit.

b. Provide an information and referral system to assist the public in understanding and complying with the requirements of state and local government regulations concerning the use of natural resources and protection of the environment.

c. Provide for the dissemination of printed materials concerning the requirements of state and local government regulations.

d. Publicize the availability and location of the permit information center.

e. Provide information to the public on the reg-

ulatory functions of the local government units in its region.

f. Establish and maintain a file for applicable state resource agency permits, including pertinent rules and regulations, criteria for permit issuance and use, and compliance with relevant statute requirements.

g. Maintain information on state environmental programs.

h. Maintain a list or directory of pertinent state agency contacts in each region and in St. Paul as well as a list of local government unit contacts for its region.

C. Grants. Within 30 days after receipt of a completed grant application, the Director of the State Planning Agency shall approve the grant or notify in writing the Regional Development Commission the reasons why the grant application was denied.

# OFFICIAL NOTICES

## Minnesota State Agricultural Society

### Business Meeting

The board of managers of the Minnesota State Agricultural Society, governing body of the state fair, will conduct a business meeting starting at 10 a.m. on Saturday, Nov. 13, in the Administration Building on the fairgrounds, Falcon Heights.

## State Ethical Practices Board

### Allocation of Expenditures Arising from Fundraisers

#### Advisory Opinion No. 31

Dear Mr. Clutter:

As Executive Director of the Minnesota State Ethical Practices Board you seek an advisory opinion to guide you in advising individuals, funds and committees concerning fundraisers. You, therefore, ask the following:

#### QUESTION

When are expenditures incurred in connection with fundraisers incurred "on behalf of" candidates so as to make such expenditures allocable against the expenditure limit of those candidates?

#### OPINION

A. A fundraiser held by the state or local committee of a political party for *more* than one candidate will be considered as "on behalf of" candidates and charged against the expenditure limit of candidates under the following conditions:

1. The fundraiser is expressly or implicitly authorized by the candidate or his treasurer to be held "on behalf of" the candidate;<sup>1</sup> and

1. Minn. Stat. § 10A.17, subd. 2 (1974) requires prior written authorization from the treasurers of the candidate's principal campaign committees. Prior written authorization is express authorization. Whether a fundraiser is implicitly authorized by a candidate is a factual determination to be made on a case by case basis.

2. The candidate is "specifically referred to"<sup>2</sup> in advertisements, tickets, or any advance publicity for the fundraiser; and

3. The candidate receives proceeds, if any, from the fundraiser.

B. A fundraiser held by a political party committee for only one candidate, or a fundraiser held by an individual, fund or committee other than a political party committee or the principal campaign committee of the candidate for candidates will be considered as "on behalf of" and charged against the expenditure limit of candidates if conditions 1 and 3 listed above are satisfied.

Condition 2 listed above only applies to fundraisers held by political party committees for more than one candidate.

The pertinent statutory authority is as follows:

a. Minn. Stat. 10A.17, subd. 2 (1974) provides that expenditures of more than \$20.00 *made on behalf of* a candidate by any person or persons other than the candidate and treasurer of the candidate's principal campaign committee shall be counted against the expenditure limitations of the candidate if such expenditures are made *with the express or implied consent of the candidate or his agent, or under the control, direct or indirect, of a candidate or his agent*; (emphasis added)

b. Laws of 1976 ch. 307, § 24 (to be codified as Minn. Stat. § 10A.27, subd. 3), provides in pertinent part that expenditures by the state or local committee of any political party on behalf of *candidates of that party generally without referring to any of them specifically in any advertisement published, posted or broadcast shall not be allocated to any candidate*. (emphasis added)

B. Allen Clutter,  
Executive Secretary

## Department of Health State Board of Health Amendments to Rules Governing Employees of Health Facilities

### Notice of Intent to Solicit Outside Opinion

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1975) that the Min-

2. "Specifically referred to" means that (1) the name of the candidate is used; (2) a photograph or drawing of the candidate appears; or (3) the identity of the candidate is apparent by unambiguous reference.

## OFFICIAL NOTICES

Minnesota State Board of Health will propose the adoption of new rules and the amendment and revision of existing rules.

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules noted below should address their comments (either written or oral) to the Minnesota Department of Health, Division of Health Manpower, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, by writing or calling the persons designated. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record.

1. Proposed amendments to MHD 36 to 43 relating to hospital administrator registration. Contact: Collin Eid  
Phone: (612) 296-5393

2. Rules relating to the establishment of application procedures for determining credentialing of human services occupations. Contact: Corrine Larson  
Phone: (612) 296-5393

3. Proposed amendments to MHD 21-35 relating to Morticians, Funeral Directors, and the Disposition of the Dead. Contact: Eugene Larson  
Phone: (612) 296-5491

4. Rules relating to the establishment of credentials for those categories of human services occupations as such are determined by the Board of Health to constitute a useful new category of human services responsibility and important to regulate in the public interest pursuant to Laws of 1976, ch. 222 §§ 8 and 9. Said rules will include but will not be limited to the credentialing requirement; scope of practice authorized; supervision required; continuing education; career progression; disciplinary procedures; and the development, administration, and grading of examinations to verify the qualifications of applicants. Categories of human services occupations presently seeking a credentialing requirement and on which public input is being received which might lead to the promulgation of rules include: (1) chemical dependency professionals; (2) speech pathologists and audiologists; (3) emergency medical technicians; (4) sanitarians; (5) x-ray machine operators.

Contact: Corrine Larson  
Phone: (612) 296-5393

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of

the proposed rules. Notice of the public hearing on the proposed rules shall be published in the State Register and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, 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 Room 401, State Office Building, Saint Paul, Minnesota 55155.

Warren R. Lawson, M.D.  
Secretary and Executive Officer

## Department of Health State Board of Health Amendments to Rules Governing the Management of Health Care Facilities

### Notice of Intent to Solicit Outside Opinion

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1975) that the Minnesota State Board of Health will propose the adoption of new rules and the amendment and revision of existing rules.

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules noted below should address their comments (either written or oral) to the Minnesota Department of Health, Executive Offices, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, by writing or calling the persons designated. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record.

1. Rules establishing the method by which complaints against health care facilities, health care providers or administrative agencies are to be made to the office of Nursing Home Complaints pursuant to the provisions of Laws of 1976, Chapter 325. Contact: Ernest Kramer  
Phone: (612) 296-5471



## OFFICIAL NOTICES

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2. Rules relating to the transfer of patient's x-ray records.

Contact: Dr. Ellen Z. Fifer  
Assistant Commissioner for Programs  
Phone: (612) 296-5391

3. Rules relating to the nature and requirements of all general formal and informal procedures (as distinguished from procedures for specific programs which will be promulgated as separate rules) related to the administration of official duties of the State Department of Health and the State Board of Health which directly affect the rights of or procedures available to the public.

Contact: Michael Moen  
Phone: (612) 296-5463

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be published in the State Register and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, 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 Room 401, State Office Building, Saint Paul, Minnesota 55155.

Warren R. Lawson, M.D.  
Secretary and Executive Officer

## Department of Health State Board of Health Amendments to Rules Regulating the Operations of Health Facilities

### Notice of Intent to Solicit Outside Opinion

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1975) that the Minnesota State Board of Health will propose the adoption of new rules and the amendment and revision of existing rules.

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules noted below should address their comments (either written or oral) to the Minnesota Department of Health, Division of Health Facilities, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, by writing or calling the persons designated. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record.

1. Rules implementing the provisions of Laws of 1976, ch. 173, relating to the licensing and regulation of nursing homes.

Contact: H. Michael Tripple  
Phone: (612) 296-5418

2. Proposed amendments to MHD 391-410, Supervised Living Facilities, and to MHD 411-430, Out-patient Surgical Centers, with respect to the establishment of levels of assessments for violations of rules pursuant to Minn. Stat. § 144.653.

Contact: H. Michael Tripple  
Phone: (612) 296-5418

3. Rules relating to implementation of hospital rate review by the State Board of Health to include financial reporting requirements, rate review procedures, standards for approval of voluntary rate review procedures and establishment of a filing fee to be charged for submission of hospital rate modifications to the Board.

Contact: Kent E. Peterson  
Phone: (612) 296-5365

4. Rules implementing Laws of 1976, ch. 325, relating to complaint or grievance mechanisms in hospitals, out-patient surgery centers, and health maintenance organizations.

Contact: Janet G. Brodahl  
Phone: (612) 296-5441

5. Rules relating to the establishment and approval of education courses in the health related subject of administration of medications by unlicensed personnel in health facilities.

Contact: Robert A. Hamilton  
Phone: (612) 296-5487

6. Proposed amendments to MHD 44 to 71, rules for the construction, equipment, maintenance, operation and licensing of boarding care homes, for establishing standards

## OFFICIAL NOTICES

for noncertified boarding care homes, and for establishment of levels of assessments for violation of the rules.

Contact: H. Michael Tripple  
Phone: (612) 296-5418

7. Proposed amendments and rewriting of MHD 44-71, rules for the construction, equipment, maintenance, operation and licensing of nursing homes and boarding care homes, in addition to establishing standards for certified boarding care homes, and establishing levels of assessments for violations of the rules.

Contact: H. Michael Tripple  
Phone (612) 296-5418

8. Rules relating to procedures for review of assessment hearings of all health care facilities.

Contact: H. Michael Tripple  
Phone: (612) 296-5418

9. Proposed amendments to and rewriting of MHD 76-116, rules for the construction, equipment, maintenance, operation and licensing of hospitals, and for the establishment of levels of assessments for violations of the rules.

Contact: Daniel McNerney  
Phone: (612) 296-5511

10. Rules relating to the award of emergency medical services grants.

Contact: Bernard Webber  
Phone: (612) 296-5281

11. Proposed amendments to MHD 391-410, Supervised Living Facilities, to include but not be limited to adding detoxification centers as a facility covered by these rules.

Contact: Hans Larsen  
Phone: (612) 296-5451

12. Rules relating to the "reasonable volume of uncompensated care" and the "community services" requirements of the hospital survey and construction (Hill-Burton) program.

Contact: Robert Manske  
Phone: (612) 296-5442

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be published in the State Register and given to all interested parties who have registered with the

Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, 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 Room 401, State Office Building, Saint Paul, Minnesota 55155.

Warren R. Lawson, M.D.  
Secretary and Executive Officer

## Minnesota Housing Finance Agency American Indian Housing

### Notice of Extension of Emergency Rules

Notice is hereby given that the Minnesota Housing Finance Agency's Emergency Rules Governing American Indian Housing, published at 1 S. R. 208-09, have been extended, as published, for an additional 75 day period, dated from the date of the order readopting the said rules and the refiling of said rules with the Secretary of State, October 26, 1976, pursuant to authority vested in me by the Board of the Agency, pursuant to Resolution of the Board, under the provisions of Laws of 1976, ch. 254, § 9 and as authorized by Minn. Stat. § 15.0412, subd. 5.

James F. Dlugosch  
Executive Director

## Pollution Control Agency Proposed Rules Governing Installation and Operation of Individual Sewage Treatment Systems

### Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) has begun consideration of proposed

## OFFICIAL NOTICES

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regulations relating to standards for the installation and operation of individual sewage treatment systems. A draft proposed regulation has been prepared by the Agency staff, and copies of it may be reviewed at most county planning and zoning offices, at agricultural extension offices or can be obtained by contacting:

Michael J. Hansel  
Division of Water Quality  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113

In order to assess the suitability of the draft proposed regulation, the Agency hereby requests information and comments from all interested persons or groups concerning the subject matter of the draft proposed regulation. Informal public meetings will be held for the purpose of receiving such comments at the following locations:

- |                               |  |
|-------------------------------|--|
| Monday<br>November 29, 1976   | Brainerd Community College<br>Media Center<br>Brainerd, Minnesota                              |
| Tuesday<br>November 30, 1976  | Mesabi Community College<br>Room 135<br>Virginia, Minnesota                                    |
| Wednesday<br>December 1, 1976 | Northland Community College<br>Theatre<br>Thief River Falls, Minnesota                         |
| Thursday<br>December 2, 1976  | Fergus Falls Community College<br>Science Lecture Hall — Room S-209<br>Fergus Falls, Minnesota |
| Monday<br>December 6, 1976    | Minnesota Highway Department<br>District Maintenance Office<br>Owatonna, Minnesota             |
| Tuesday<br>December 7, 1976   | Southwest State College<br>Lecture Center — Room 217<br>Marshall, Minnesota                    |

Wednesday  
December 8, 1976  
Minnesota Pollution Control Agency  
Board Room  
Roseville, Minnesota

All meetings will begin at 8:00 p.m.

In addition, written statements of information and comment may be addressed to Mr. Hansel at the above address. Oral statements of information and comments will be received during regular business hours over the phone at (612) 296-7208, and in person at the above address.

All statements of information and comment must be received by December 15, 1976. Any written materials received by the Agency at the informal public meetings or addressed to Mr. Hansel at the above address will become part of the hearing record.

Should the Agency determine that the proposed draft regulation, or some other regulation relating to the standards for the installation and operation of individual sewage treatment systems should be promulgated, further notice of the rule and of the hearings thereon will be given as required by law, including notice in the *State Register*.

## Minnesota State Retirement System

### Quarterly Meeting

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, November 19, 1976, at 9:00 A.M. in the office of the System, 529 Jackson Street, St. Paul, Mn.

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

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