

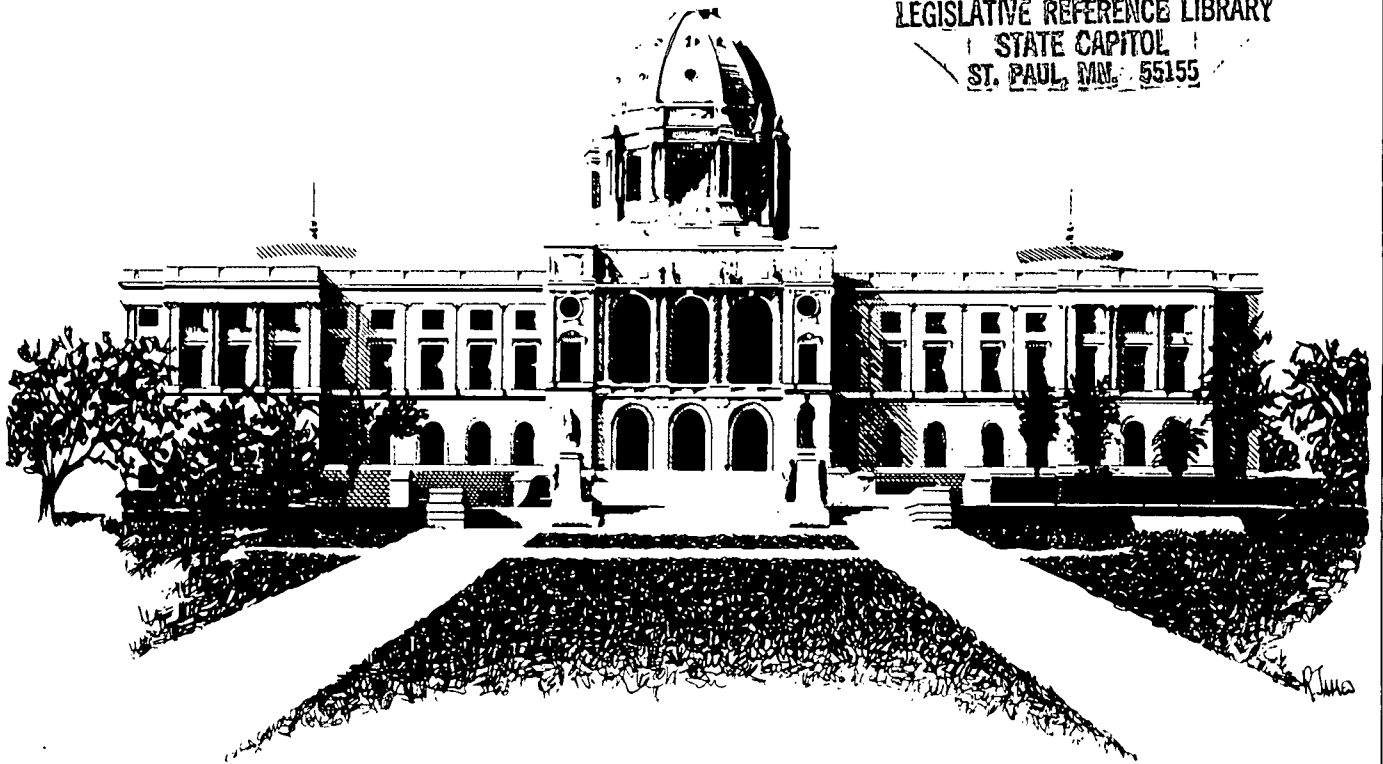
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STATE REGISTER

STATE OF MINNESOTA

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VOLUME 10, NUMBER 27

December 30, 1985

Pages 1453-1488



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 10			
28	Thursday December 19	Friday December 27	Monday January 6
29	Friday December 27	Monday January 6	Monday January 13
30	Monday January 6	Monday January 13	Monday January 20
31	Monday January 13	Monday January 20	Monday January 27

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

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

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

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before April 8, 1985 are published in the Minnesota Rules 1985. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 will be included in a supplement scheduled for publication in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

Table with 2 columns: Issue/Range and Cumulative Reference. Includes rows for Issues 1-13, 14-25, 26, 27-38, 39, 40-51, and 52.

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1985.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

OFFICE OF THE ATTORNEY GENERAL

2000.0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .9900; .9905; .9910; .9915; .9920; .9925; .9930; .9935; .9940; .9945; .9950; .9955; .9960; .9965; .9970; .9975; .9977; .9980; .9983; .9985 (proposed repealer) 1457; 2010.0200-.1400; .9900-.9960 (proposed) 1457

DEPARTMENT OF HEALTH

4695.0300; .0800 (second notice) 1473; BOARD OF MEDICAL EXAMINERS; 5600.2500 (adopted) 1476

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Office of the Attorney General

Proposed Rules Relating to Rule Reviews

Notice of Public Hearing

Notice is hereby given that a public hearing in the above captioned matter will be held pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984), as amended, in the 300 North Conference Room, State Office Building, 435 Park, St. Paul, Minnesota, on February 3, 1986, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George Beck, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601. This written material must be received at the Office of Administrative Hearings before the close of the hearing record.

The hearing record will remain open for the inclusion of written material for five working days after the hearing ends unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing. Written material received during this period will be available for review at the Office of Administrative Hearings. The Office of the Attorney General and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1984 and Supp. 1985), and by Minn. Rules pts. 1400.0200 to 1400.1200 (1985). Questions about procedure may be directed to the Administrative Law Judge.

The Attorney General proposes a new rule governing the procedures for the submittal and review of rules adopted without a public hearing or through the emergency rulemaking process. The new rule is proposed to replace the existing review rule presently located in Minn. Rules pts. 2000.0200 through 2000.1000 and 2000.9900 through 2000.9985. The authority to adopt this rule is Minn. Stat. § 14.06 and 14.09. A copy of the proposed rule is enclosed with the notice mailed to all persons on the Attorney General rulemaking mailing list. A free copy of the rule as well as the statement of need and reasonableness may be obtained by contacting:

Martha J. Casserly
Special Assistant Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
(612) 296-1288.

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

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

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

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

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Office of the Attorney General and the Office of Administrative Hearings. This Statement of Need and Reasonableness contains a summary of all the evidence and argument which the Office of the Attorney General anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Office of the Attorney General or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The proposed rule may affect small businesses as defined in Minn. Stat. § 14.115. Small businesses, as with all interested persons and groups, may be affected by the type of notices received as well as by the proposed comment period deadline for comments to the Attorney General. For a discussion of how the Attorney General considered methods to reduce the impact of the rule on small businesses, see the Statement of Need and Reasonableness. The adoption of this rule by the Attorney General will not require expenditure of public moneys by local public bodies nor have a direct impact on agricultural land. Therefore, Minn. Stat. § 14.11 is inapplicable to this rulemaking proceeding.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Office of the Attorney General may not take any final action on the proposed rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the proposed rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Office of the Attorney General at any time prior to the filing of the rules as adopted with the Secretary of State.

December 13, 1985

Hubert H. Humphrey
Attorney General

Rules as Proposed (all new material)

2010.0200 AUTHORITY.

Parts 2010.0200 to 2010.1400 govern the submittal to and review by the attorney general of rules adopted by agencies pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14.

2010.0300 DOCUMENTS NECESSARY FOR REVIEW OF A RULE ADOPTED WITHOUT A PUBLIC HEARING.

To submit a rule adopted without a public hearing to the attorney general for review and approval pursuant to Minnesota Statutes, section 14.26, the agency must submit to the attorney general the following documents:

A. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register, if the agency sought to obtain information or opinions in preparing to propose a rule from sources outside the agency as provided by Minnesota Statutes, section 14.10. For the recommended format of the notice, see part 2010.9900.

B. A copy of the petition for adoption, suspension, amendment, or repeal of a rule if the agency has adopted the rule in response to a petition filed pursuant to Minnesota Statutes, section 14.09 and part 2010.0600. For the prescribed format of the petition, see part 2010.9905.

C. If the agency is a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a, the certificate of the multi-member agency's authorizing resolution or a copy of a delegation of authority. The resolution must direct and delegate to an individual the authority to sign and to give the notice of the agency's proposed adoption of the rule without a public hearing. The delegation of authority must expressly authorize an individual to sign and to give the notice of the agency's proposed

adoption of a rule without a public hearing. The resolution or delegation of authority must be adopted at a meeting duly called and attended by a quorum. For the recommended format of the resolution, see part 2010.9910.

D. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached.

E. The notice of proposed adoption of a rule without a public hearing which must contain the following:

(1) A statement that the agency proposes to adopt a rule without a public hearing pursuant to the authority of [citation to the specific statutory authority for the proposed rule] and is following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.

(2) A statement that the public has 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the proposed rule and that comment is encouraged.

(3) A statement that each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

(4) A statement that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request.

(5) A statement of the manner in which persons may submit comments or requests for a public hearing.

(6) A statement that any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

(7) A statement that if a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(8) A statement that the proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

(9) A statement that if no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the attorney general for review as to legality and form to the extent form relates to legality; a statement that any person may request notification of the date of submission to the attorney general; and a statement of the manner in which the request must be made.

(10) If an entire rule is proposed to be repealed, a statement stating that fact and citing the rule to be repealed.

(11) A statement that the proposed rule is attached to the notice; or if the proposed rule is not attached to the notice sent to persons on the agency rulemaking mailing list, a statement summarizing the nature and effect of the proposed rule and the manner in which a free copy may be requested.

(12) A statement that the statement of need and reasonableness is available to the public and the manner in which that document may be requested.

(13) If required by Minnesota Statutes, section 14.11, subdivision 1, a statement relating to the expenditure of public money by local public bodies.

(14) If the agency elects to comply with Minnesota Statutes, section 14.115, subdivision 4, by following paragraph (a) of the statute, a statement that the proposed rule will have an impact on small businesses and a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons as provided by Minnesota Statutes, section 14.115, subdivision 4, paragraph (a).

(15) If the agency is fixing fees by rulemaking without a public hearing pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, subitem (4) of this subpart is inapplicable and is substituted with a statement that no public hearing need be held unless 20 percent of the persons who will be required to pay the fee submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule.

(16) Any other notices required by law or rule to be included in the notice of proposed adoption of a rule without a public hearing.

(17) The notice of proposed adoption of a rule without a public hearing must be signed by a person authorized to adopt the rule or authorized to sign and to give notice of proposed adoption of a rule without a public hearing.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

For the recommended format of the notice, see part 2010.9915.

F. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

G. The affidavit of mailing the notice of proposed adoption of a rule without a public hearing. The affidavit or affidavits must state that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.22 and 14.14, subdivision 1a is accurate, complete, and current and that the notice of proposed adoption of the rule without a public hearing was mailed to all persons and groups whose names appear on the list. If the person who mailed the notice is not the same person who can attest to the accuracy of the mailing list, separate affidavits signed by the appropriate person must be submitted. For the recommended format of the affidavit, see part 2010.9920.

H. A copy or photocopy of the notice of proposed adoption of the rule without a public hearing as published in the *State Register*.

I. Four copies of the rule as adopted. Any modification made to the proposed rule must be reflected on the rule as adopted and be approved as to form by the revisor of statutes.

J. If the agency is a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a, the certificate of the multi-member agency's resolution adopting the rule. The resolution must approve and adopt the rule and authorize a named individual to:

(1) sign findings of fact, conclusions, and order adopting the rule;

(2) modify the rule if necessary to obtain approval of the rule by the attorney general and such modification does not raise significant new legal issues; and

(3) perform the necessary acts to provide that the rule has the force and effect of law. The resolution must be adopted at a meeting duly called and attended by a quorum. For the recommended format of the resolution, see part 2010.9925.

K. The findings of fact, conclusions, and order adopting the emergency rule which must contain the following:

(1) a statement that proper notice of proposed rulemaking without a public hearing was given;

(2) a statement that the statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public;

(3) a statement that all persons were given the opportunity to submit comment on the proposed rule for 30 days after notice of proposed rulemaking without a public hearing;

(4) a statement of the number of persons that requested a public hearing and the number of persons that requested a public hearing and withdrew their request;

(5) if any changes were made between the rule as proposed and the rule as adopted, findings of fact and conclusions supporting the reasons for the changes and explaining why the changes do not constitute substantial changes as provided in the attorney general rules, part 2010.1000, item D;

(6) if the agency received no requests for a hearing, or received no submissions or comments on the rule required to be submitted to the attorney general by item L, or received no requests for notice of submission of the adopted rule to the attorney general, an applicable statement to that effect; and

(7) a statement that the rule as adopted is needed and reasonable and that the rule is hereby ordered to be adopted.

The findings of fact, conclusions, and order adopting the rule must be signed by a person authorized to adopt the rule or authorized to sign the findings of fact, conclusions, and order adopting the rule. For the recommended format of the findings of fact, conclusions, and order, see part 2010.9930.

L. All written requests, submissions, or comments on the rule received by the agency except requests solely for copies of the rule or of the statement of need and reasonableness.

M. The declaration of the attorney in the attorney general's office who represents the agency. The declaration must state:

(1) that the attorney has examined the rule and the rulemaking record;

(2) that the Administrative Procedure Act and chapter 2010 have been followed; and

(3) for attorney general billing purposes, the four-digit docket client code is For the recommended format, see part 2010.9935.

N. The notice of submission of the rule to the attorney general, if applicable. If any persons requested notification of the date of submission of the rule to the attorney general, the notice must be given on the same day the rule is submitted to the attorney general. The notice must contain the following:

(1) the date of submission of the rule to the attorney general;

(2) if the proposed rule has been modified, the notice must state that fact and must state that a free copy of the rule as modified is available upon request from the agency;

(3) the attorney general rule review time period and comment deadline;

(4) a statement that any comments submitted to the attorney general must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule and make a reference to the attorney general standards of review as set forth in part 2010.1000;

(5) the address of the attorney general division where comments must be submitted; and

(6) a statement that any written comments to the attorney general must also be submitted simultaneously to a named person for the agency and the address of that person.

For the recommended format of the statement, see part 2010.9940.

O. The affidavit of mailing notice of submission of the rule to the attorney general, if applicable. The affidavit must state that a copy of the notice of submission of the rule to the attorney general was mailed to all persons and associations who requested the notification. For the recommended format of the affidavit, see part 2010.9945.

2010.0400 DOCUMENTS NECESSARY FOR REVIEW OF EMERGENCY RULE.

To submit an emergency rule to the attorney general for review and approval pursuant to Minnesota Statutes, section 14.32, the agency must submit to the attorney general the following documents:

A. A copy or photocopy of the notice of solicitation of outside information or opinions, as published in the State Register, if the agency sought to obtain information or opinions in preparing to propose a rule from sources outside the agency as provided by Minnesota Statutes, section 14.10. For the recommended format of the notice, see part 2010.9900.

B. A copy of the petition for adoption, suspension, amendment, or repeal of a rule if the agency has adopted the rule in response to a petition filed pursuant to Minnesota Statutes, section 14.09 and part 2010.0600. For the prescribed format of the petition, see part 2010.9905.

C. If the agency is a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a, the certificate of the multi-member agency's authorizing resolution or a copy of a delegation of authority. The resolution must direct and delegate to an individual the authority to sign and to give the notice of the multi-member agency's proposed adoption of the emergency rule. The delegation of authority must expressly authorize an individual to sign and to give the notice of the agency's proposed adoption of the emergency rule. The resolution or delegation of authority must be adopted at a meeting duly called and attended by a quorum. For the recommended format of the resolution, see part 2010.9910.

D. A copy of the proposed emergency rule with a certificate of approval as to form by the revisor of statutes attached.

E. The notice of proposed adoption of the emergency rule which must contain the following:

(1) A statement that the agency proposes to adopt the emergency rule pursuant to authority of [citation to the specific statutory authority to adopt the emergency rule] and is following the procedures in Minnesota Statutes, sections 14.29 to 14.36.

(2) A statement that all persons have 25 days after publication, or a longer period of time as specified in the notice, to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing.

(3) A statement of the manner in which persons may submit written comments to the agency.

(4) A statement that the proposed emergency rule is attached to the notice; or, if the proposed rule is not attached to the notice sent to persons on the agency rulemaking mailing list, a statement summarizing the nature and effect of the proposed rule.

(5) A statement that a free copy of the proposed emergency rule is available upon request from the agency and the manner in which the request may be made.

(6) A statement that the proposed emergency rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed emergency rule as noticed.

(7) A statement that the emergency rule and its supporting documents will be submitted to the attorney general for review as to legality and form to the extent form relates to legality; a statement that any person may request notification of the date of submission to the attorney general; and a statement of the manner in which the request must be made.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

(8) A statement of the effective period of the proposed emergency rule in accordance with Minnesota Statutes, section 14.35.

(9) If required by Minnesota Statutes, section 14.11, subdivision 1, a statement relating to the expenditure of public money by local public bodies.

(10) Any other notices required by law or rule to be included in the notice of proposed adoption of an emergency rule.

(11) The notice of the proposed adoption of emergency rule must be signed by a person authorized to adopt the rule or authorized to sign and to give notice of proposed adoption of emergency rule.

For the recommended format of the notice, see part 2010.9950.

F. The affidavit of mailing the notice of proposed adoption of the emergency rule. The affidavit or affidavits must state that the mailing list maintained by the agency pursuant to Minnesota Statutes, section 14.30 is accurate, complete, and current and that the notice of proposed adoption of the emergency rule was mailed to all persons and groups whose names appear on the list. If the person who mailed the notice is not the same person who can attest to the accuracy of the mailing list, separate affidavits signed by the appropriate person must be submitted. For the recommended format of the affidavit, see part 2010.9920.

G. A copy or photocopy of the notice of proposed adoption of the emergency rule as published in the State Register.

H. Four copies of the emergency rule as adopted. Any modifications made to the proposed rule must be reflected on the rule as adopted and be approved as to form by the revisor of statutes.

I. If the agency is a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a, the certificate of the multi-member agency's resolution adopting the emergency rule. The resolution must approve and adopt the rule and authorize a named individual to:

(1) sign findings of fact, conclusions, and order adopting the rule;

(2) modify the rule if necessary to obtain approval of the rule by the attorney general and such modification does not raise significant new legal issues; and

(3) perform the necessary acts to provide that the emergency rule has force and effect of law. The resolution must be adopted at a meeting duly called and attended by a quorum. For the recommended format of the resolution, see part 2010.9925.

J. The findings of fact, conclusions, and order adopting the emergency rule which must contain the following:

(1) a statement that proper notice of proposed emergency rulemaking was given;

(2) a statement that all persons were given the opportunity to submit written comment for at least 25 days after publication of the notice of proposed emergency rulemaking;

(3) if any changes were made between the emergency rule as proposed and the emergency rule as adopted, findings of fact and conclusions supporting the reasons for the changes and explaining why the changes do not constitute substantial changes as provided in attorney general rule part 2010.1000, item D;

(4) if the agency received no submissions or comments on the rule required to be submitted to the attorney general pursuant to item K, or received no requests for notice of submission of the adopted emergency rule to attorney general; an applicable statement to that effect; and

(5) a statement that the emergency rule is hereby ordered to be adopted.

The findings of fact, conclusion, and order adopting the emergency rule must be signed by a person authorized to adopt the emergency rule or authorized to sign the findings of fact, conclusions, and order adopting the emergency rule. For the recommended format of the findings of fact, conclusions, and order, see part 2010.9955.

K. All written requests, submissions, and comments on the rule received by the agency except requests solely for copies of the rule.

L. The declaration of the attorney in the attorney general's office who represents the agency. The declaration must state:

(1) that the attorney has examined the rule and the rulemaking record;

(2) that the Administrative Procedure Act and chapter 2010 have been followed; and

(3) for attorney general billing purposes, the four-digit docket client code is For the recommended format, see part 2010.9935.

M. The notice of submission of the emergency rule to the attorney general, if applicable. If any persons requested notification of the date of submission of the emergency rule to the attorney general, the notice must be given on the same day the rule is submitted to the attorney general. The notice must contain the following:

- (1) the date of submission of the emergency rule to the attorney general;
- (2) if the emergency proposed rule has been modified, the notice must state that fact and must state that a free copy of the emergency rule as modified is available upon request from the agency;
- (3) the attorney general rule review time period and comment deadline;
- (4) that any comments submitted to the attorney general must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule and make a reference to the attorney general standards of review as set forth in part 2010.1000;
- (5) the address of the attorney general division where comments must be submitted; and
- (6) a statement that any written comments to the attorney general must also be submitted simultaneously to a named person for the agency and the address of that person.

For the recommended format of the statement, see part 2010.9960.

N. The affidavit of mailing the notice of submission of the emergency rule to the attorney general, if applicable. The affidavit must state that a copy of the notice of submission of the rule to the attorney general was mailed to all persons and associations who requested the notification. For the recommended format of the affidavit, see part 2010.9945.

2010.0500 RULE SUBMISSION AND AGENCY FAILURE TO SUBMIT REQUIRED DOCUMENTS.

Subpart 1. **Rule submission.** A rule is considered submitted to the attorney general when the rule and the record consisting of the required documents are received at the Office of the Attorney General, Administrative/Finance Division located at 204 Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155.

Subp. 2. **Failure to submit required documents.** Failure to submit all the required documents makes a submission incomplete. The attorney general must promptly inform the agency of the missing documents. If the missing documents include four copies of the rule as adopted, findings of fact, conclusions and order, or the statement of need and reasonableness for a rule adopted without a public hearing, the rule review period will not be initiated. For other missing documents, if the agency submits the missing documents to the attorney general within the attorney general review period, the submission shall be deemed complete and the period of review shall continue to run. If the missing documents are not submitted within the review period, the rule must either be withdrawn from review or rejected by the attorney general.

2010.0600 PETITION FOR ADOPTION OF RULE.

Subpart 1. **Contents.** Petitions to an agency requesting the adoption, suspension, amendment, or repeal of a rule pursuant to Minnesota Statutes, section 14.09 must contain the following:

- A. the name and address of the petitioner and, if applicable, the title or the group represented;
- B. a statement that the petitioner requests the agency to:
 - (1) adopt a new rule governing _____;
 - (2) amend Minnesota Rules, part _____;
 - (3) suspend Minnesota Rules, part _____; or
 - (4) repeal Minnesota Rules, part _____;

C. a statement explaining the need or reason for the rulemaking request; and

D. for a new rule, the petitioner's proposed language for the new rule. For amendments to an existing rule, the rule text must be repeated, proposed deletions stricken and substituted or added language underscored. If the petitioner is unable to propose new rule language, he or she may provide a detailed description of the rule desired.

For the prescribed format of the petition, see part 2010.9905.

Subp. 2. **Service of petition.** The petition must be served on the agency head or executive director of the affected agency personally or by United States mail at the business address of the agency.

Subp. 3. **Agency response.** The agency must reply within 60 days from the receipt of the petition. The reply must be in writing, respond specifically to all issues raised in the petition and detail its planned disposition of the request. The response must be signed

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by an individual authorized to adopt a rule or if the agency is a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a, by a member or officer of the multi-member agency. If the agency adopts the rule pursuant to the petition, a copy of the petition must be submitted by the agency to the attorney general in accordance with part 2010.0300, item B or 2010.0400, item B.

2010.0700 STATEMENT OF NEED AND REASONABLENESS.

The statement of need and reasonableness must contain a summary of the evidence and arguments that support both the need for and reasonableness of the proposed agency action of adopting a rule without a public hearing. In justifying the need for and reasonableness of the action, the agency must explain what circumstances have created the need for the rule or its amendment which required administrative action and why the proposed rulemaking action is an appropriate solution for meeting the need. The statement must explain the evidence relied upon and how that evidence rationally relates to the choice of action taken. A general statement of statutory implementation or restating the proposed rule will not suffice. The statement of need and reasonableness must also contain the following:

A. if required by Minnesota Statutes, section 14.115, a statement documenting the agency's consideration of methods for reducing the impact of the rule on small businesses and the results pursuant to Minnesota Statutes, section 14.115, subdivision 2;

B. if required by Minnesota Statutes, section 16A.128, subdivision 1, the approval of the commissioner of finance if the rule sets or adjusts a fee charged; and

C. any information required by any other law or rule to be included in the statement of need and reasonableness.

2010.0800 RULE REVIEW TIME PERIOD.

Subpart 1. **Rule adopted without public hearing.** The attorney general must approve or disapprove the rule adopted without a public hearing within 14 calendar days after submission. In computing the calendar day time period, the day of the submission of the rule to the attorney general is not included. Saturdays, Sundays, and legal holidays are included in the computation. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event, the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. The attorney general may not approve a rule adopted without a public hearing for eight calendar days after submission to the attorney general to assure persons time to comment on the legality of the rule. The eight-day minimum review period does not apply to a rule being resubmitted to the attorney general unless the resubmitted rule raises significant new legal issues. For resubmission of rules, see part 2010.1300.

Subp. 2. **Emergency rule.** The attorney general must approve or disapprove the emergency rule on the tenth working day after submission to the attorney general. In computing working day time period, the day of the submission to the attorney general is not included. Saturdays, Sundays, and legal holidays are not included in the computation. The last day of the period so computed is included.

2010.0900 WRITTEN COMMENTS TO THE ATTORNEY GENERAL.

Subpart 1. **Written comments.** Any person or association may submit written comments concerning the legality of a rule. Comments to the attorney general must address the specific rule or part or subparts of the rule and must address the issue of legality only. Persons or associations submitting written comments to the attorney general must simultaneously submit a copy of their comments to the named person in the notice of submission for the agency. The agency may respond to the comments within the limits of the statutory rule review period. If the agency submits a written response to the attorney general, the agency must simultaneously submit a copy of its response to the person or associations that submitted the comments to the attorney general.

Subp. 2. **Comment period.** Written comments concerning a rule adopted without a public hearing must be received by the attorney general within eight calendar days after submission to the attorney general to assure time for the agency to respond. Written comments concerning an emergency rule must be received by the attorney general within seven working days after submission to the attorney general to assure time for the agency to respond. The address to submit comments to the attorney general is the same as set out in part 2010.0500 and the computation for the comment period is the same as for the rule review period computation in part 2010.0800.

2010.1000 STANDARDS OF REVIEW.

A rule must be disapproved by the attorney general if:

A. The rule as submitted is not a statement of general applicability and future effect adopted to implement or make specific the law enforced or administered by the agency or to govern the agency's organization or procedures.

B. The agency has failed to comply with the applicable provisions of the Administrative Procedure Act, Minnesota Statutes, chapter 14, the agency's enabling statute, the attorney general rule parts 2010.0200 to 2010.1400 or other applicable law.

C. The rule exceeds the statutory authority conferred on the agency, conflicts with the statutes or any other relevant law, or has no reasonable relationship to statutory purposes.

D. There is a substantial change in the rule as adopted from the proposed rule as noticed. An adopted rule is considered substantially different from the proposed rule as noticed if it introduces significant new subject matter which a reasonable person, on the basis of the rulemaking notice, would not have anticipated would be raised during the rulemaking proceeding.

E. For a rule adopted without a public hearing, the record does not demonstrate a rational basis for the need for and reasonableness of the proposed rule. This criteria does not apply to emergency rules.

F. The rule grants the agency discretion beyond that permitted by its enabling legislation.

G. The rule improperly delegates the agency's powers to another agency, person, or body.

H. The rule is vague or ambiguous in violation of the constitutional principles of due process or equal protection.

I. The rule, by its terms, cannot have the force and effect of law.

J. The rule is unconstitutional or unreasonable.

2010.1100 WITHDRAWAL OF RULE FROM REVIEW BY ATTORNEY GENERAL.

The agency may withdraw a rule from review by the attorney general. To withdraw a rule after it has been submitted to the attorney general, a written order of withdrawal of the rule from review must be submitted to the attorney general. The written order must state the date of withdrawal and be signed by a person authorized to adopt the rule or sign the findings of fact, conclusions, and order adopting the rule.

2010.1200 DISAPPROVAL.

If a rule is disapproved, the attorney general must state in writing the reasons for disapproval and make recommendations to overcome the deficiencies. The statement of the reasons for disapproval must be sent to the agency, the chief administrative law judge, the legislative commission to review administrative rules, and the revisor of statutes. Upon disapproval, the review period terminates and the rule must neither be filed in the office of the secretary of state nor published unless the rule is resubmitted and approved upon resubmission.

2010.1300 RESUBMISSION.

Subpart 1. **Resubmission.** To resubmit a rule which was withdrawn or disapproved by the attorney general, the following documents must be submitted:

A. A supplemental findings of fact, conclusions, and order adopting the rule. The order must be signed by a person authorized to adopt the rule or authorized to sign the findings of fact, conclusion, and order adopting the rule. If any modifications were made to the rule since the rule was withdrawn or disapproved, findings of facts and conclusions must be set forth supporting the reasons for the changes and explain why the changes do not constitute substantial changes.

B. If the revision raises significant new legal issues and the agency is a multi-member agency as provided in Minnesota Statutes, section 15.0597, subdivision 1a, a new certificate of the agency's resolution must be submitted in accordance with part 2010.0300, item J or 2010.0400, item I.

C. If any modifications were made to the rule as adopted since the rule was withdrawn or disapproved, four copies of the rule as adopted with the modifications reflected and approved as to form by the revisor of statutes.

D. A new notice of submission of the rule to the attorney general mailed to any persons who requested notification pursuant to Minnesota Statutes, section 14.26 or 14.32. The notice of submission to the attorney general must comply with part 2010.0300, item N or 2010.0400, item M.

E. The affidavit of mailing for the notice of submission of the rule to the attorney general, if applicable. The affidavit must comply with part 2010.0300, item O or 2010.0400, item N.

F. Any other documents necessary to demonstrate that the procedural or substantive deficiencies have been remedied.

Subp. 2. **Resubmission review time period.** The attorney general review period for resubmission is the same as for the initial submission of the rule with one exception. If the resubmitted rule adopted without a public hearing does not raise significant new legal issues, the eight-day minimum review period does not apply. For the general review period, see part 2010.0800.

2010.1400 APPROVAL OF RULE.

Subpart 1. **Approval.** If the rule is approved, the attorney general shall promptly file two copies of the rule with the secretary of

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state. A copy of the approval memo must be sent to the agency, the chief administrative law judge, and the legislative commission to review administrative rules.

Subp. 2. **Return of record.** Upon approval of a rule, the attorney general shall return to the agency one approved copy of the rule, any extra copies of documents and any petitions, requests, submissions, or comments directed to the agency.

2010.9900 RECOMMENDED NOTICE OF SOLICITATION OF OUTSIDE INFORMATION OR OPINIONS.

Department of _____

_____ Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing _____

Notice is hereby given that the State _____ [name of agency] is seeking information or opinions from sources outside the agency in preparing to propose the [adoption] [amendment] [suspension] [repeal] of the rule governing _____. The adoption of the rule is authorized by Minnesota Statutes, section ____, which [permits] [requires] the agency to _____.

The State _____ requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: [name and address] _____. Oral statements will be received during regular business hours over the telephone at _____ and in person at the above address.

All statements of information and opinions shall be accepted until _____. Any written material received by the State _____ shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Date

Commissioner

2010.9905 PETITION FOR ADOPTION OF RULE.

State of Minnesota

Department of _____

PETITION FOR
PROPOSED RULE, OR
RULE CHANGE

NAME _____

GROUP REPRESENTED OR TITLE (if applicable) _____

ADDRESS _____

I hereby request that the Agency named above: (Check one)

Adopt a new rule governing _____

Amend Minnesota Rules, part _____

Suspend Minnesota Rules, part _____

Repeal Minnesota Rules, part _____

Explanation of the need or reason for the rulemaking action: (the agency will use your reasons as part of the basis for its decision, so your explanation must be in detail as much as possible).

(Use additional pages if necessary.)

For a new rule, if possible, state the proposed new language of the rule. For amendments, if possible, repeat the text of the rule, strike through any deletions and underscore substituted or added language. If you are unable to propose new rule language, provide a detailed description of the rule desired.

(Use additional pages if necessary.)

This petition must be served on the agency head or the executive director of the agency personally or by United States mail. Pursuant to Minnesota Rules, part 2010.0600, subpart 3 the agency must respond in writing within 60 days of receipt of the petition.

2010.9910 RECOMMENDED CERTIFICATE OF AUTHORIZING RESOLUTION FOR RULE WITHOUT A PUBLIC HEARING OR EMERGENCY RULE.

CERTIFICATE OF THE

AUTHORIZING RESOLUTION

I, _____, do hereby certify that I am a member and the _____(office), of the _____, a [board] [commission] duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the _____ duly and properly called and held on the ___ day of _____, 19___, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

“RESOLVED, that _____, [the executive director] [a member] of the _____, is hereby granted the authority and directed to sign and to give the Notice of the [Board’s] [Commission’s] Proposed Adoption of [a rule without a public hearing] [an Emergency rule] governing _____ (describe nature of the rule) to all persons who have registered their names with the [Board] [Commission] for that purpose and publish the Notice and rule in the *State Register*, and to perform any and all acts incidental thereto.”

IN WITNESS WHEREOF, I have hereunto subscribed my name this ___ day of _____, 19___.

(Officer of the Board)

Attest by one other Board member

2010.9915 RECOMMENDED NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING.

Department of _____

In the Matter of the Proposed Adoption
Adoption of the Rule of
the State _____
Governing _____

NOTICE OF PROPOSED
ADOPTION OF A RULE
WITHOUT A PUBLIC HEARING

Notice is hereby given that the State _____ proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is [specific statutory citation.]

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

[Name, address, and telephone number]

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

[A copy of the proposed rule is attached to this notice.]

or

[The rule proposed for adoption relates to the following matters (informative statement summarizing the nature and effect of the proposed rule). A free copy of the rule is available upon request from _____.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

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A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from _____ upon request.

[If applicable, other notices which are required or chosen to be inserted in the Notice of Proposed Adoption of a Rule Without a Public Hearing must be inserted, for example, Minnesota Statutes, section 14.11, subdivision 1, 14.115, subdivision 4, or 16A.128, subdivision 2a.]

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to _____.

Date [Name]
Commissioner of _____

2010.9920 RECOMMENDED AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING OR AN EMERGENCY RULE AND CERTIFICATE OF MAILING LIST.

In the Matter of the Proposed Adoption of the Rule of the State _____
Governing _____
AFFIDAVIT OF MAILING
THE NOTICE OF PRO-
POSED ADOPTION OF [A
RULE WITHOUT A PUBLIC
HEARING] [AN EMERGENCY
RULE] AND CERTIFICATE
OF MAILING LIST

STATE OF MINNESOTA)
COUNTY OF [_____])

_____, being first duly sworn deposes and says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state _____ rulemaking mailing list is accurate, complete, and current as of this ____ day of _____, 19__.

That on the ____ day of _____, 19__, at the City of [____], County of [____], State of Minnesota, I mailed the attached Notice of Proposed Adoption of [A Rule Without a Public Hearing] [an Emergency Rule] by depositing in the [State of Minnesota Central Mail System for United States mailing] [United States mail], a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Subscribed and sworn to before me
is ____ day of _____, 19__.

2010.9925 RECOMMENDED CERTIFICATE OF RESOLUTION ADOPTING THE [RULE WITHOUT A PUBLIC HEARING] [EMERGENCY RULE].

CERTIFICATE OF THE

RESOLUTION ADOPTING THE RULE

I, _____, do hereby certify that I am a member and the _____ (office) of the _____, a [board] [commissioner] duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the _____, duly and properly called and held on the ____ day of _____, 19__, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

“RESOLVED, that the rule relating to _____ is approved and adopted, pursuant to authority vested in the _____ by Minnesota Statutes _____, the _____ [executive director] [a member] of the _____, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general when such modification does not raise significant new legal issues and to perform the necessary acts to provide that the rule shall have the force and effect of law.”

IN WITNESS WHEREOF, I have hereunto subscribed my name this ___ day of _____, 19 ___.

Officer of the Board

Attest by one other Board member

2010.9930 RECOMMENDED FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING THE RULE WITHOUT PUBLIC HEARING.

STATE OF MINNESOTA
DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING
RULE WITHOUT
PUBLIC HEARING

Notice of the [Commissioner's] [Board's] proposed adoption of the above-entitled rule was published in the *State Register* on _____, 19 __ and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on _____, 19__. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. [The agency received ___ requests for a public hearing [, of which ___ were subsequently withdrawn]. Therefore, the agency did not receive request for a public hearing from 25 or more persons which were not withdrawn.] or [No requests for a public hearing on the rule were received by the agency.]

[If applicable: No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.]

Based on the comments and evidence in the record before the agency, I find the following:

[If any changes were made between the rule as proposed and the rule as adopted, findings of fact and conclusions supporting the reasons for the changes and explanations why the changes do not constitute substantial changes as provided in the attorney general rules, part 2010.1000, item D must be set forth.]

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as _____ [as modified] is adopted this ___ day of _____, 19__, pursuant to authority vested in [me] [the Board] [the Commission] by Minnesota Statutes, section ____.

COMMISSIONER OF _____

2010.9935 RECOMMENDED DECLARATION OF COUNSEL.

In the Matter of the Adoption
of the Rule of the State _____
Governing _____

DECLARATION OF
COUNSEL

I, _____, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is ____.

(Attorney's Name)
Special Assistant
Attorney General

Dated: _____

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

2010.9940 RECOMMENDED NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO ATTORNEY GENERAL.

STATE OF MINNESOTA
DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

NOTICE OF SUBMISSION
OF RULE ADOPTED
WITHOUT PUBLIC
HEARING TO THE
ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, _____, 19____, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

[(If the proposed rule has been modified:) The proposed rule which was published in the *State Register* and made available to the public on _____, 19____, has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is available upon request from _____.]

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. Your comments must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone Number: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to:

[Name, address, and phone number of
appropriate person in the agency]

Commissioner of _____

Dated: _____

2010.9945 RECOMMENDED AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING OR EMERGENCY RULE TO ATTORNEY GENERAL.

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

AFFIDAVIT OF
MAILING THE NOTICE
OF SUBMISSION OF
[RULE ADOPTED
WITHOUT PUBLIC
HEARING]
[EMERGENCY RULE]
TO THE ATTORNEY
GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF [_____])

_____, being first duly sworn, deposes and says:

That on the ___ day of _____, 19 ____, in the City of [____], County of [____], State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the [State of Minnesota Central Mail System for United States

mailing] or [United States mail], a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above-entitled matter has been submitted to the Attorney General.

Subscribed and sworn to before me
this ___ day of _____, 19__.

2010.9950 RECOMMENDED NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.

Department of _____

In the Matter of the Proposed Adoption
of Emergency Rule of the State _____
Governing _____

**NOTICE OF PROPOSED
ADOPTION OF
EMERGENCY RULE**

Notice is hereby given that the State _____ proposes to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, section _____. The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days [or longer specified time] after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

[Name, address, and telephone number]

[A copy of the proposed rule is attached to this notice.]

or

[The rule proposed for adoption relates to the following matters (informative statement summarizing the nature and effect of the proposed rule).]

A free copy of the proposed emergency rule is available by contacting _____.

The proposed emergency rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to _____.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for ___ days. The emergency rule will be continued in effect for an additional ___ days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

[If applicable, other notices which are required to be inserted in the Notice of Proposed Adoption of Emergency Rules must be inserted.]

Date

[Name]
Commissioner of _____

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

2010.9955 RECOMMENDED FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULE.

STATE OF MINNESOTA
DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING
EMERGENCY RULE

Notice of the [Commissioner's] [Board's] proposed adoption of the above-entitled emergency rule was published in the State Register on _____, 19__ and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on _____, 19__.

All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

[If applicable: No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency].

[If any changes were made between the rule as proposed and the rule as adopted, findings of fact and conclusions supporting the reasons for the changes, and explanations why the changes do not constitute substantial changes as provided in the attorney general rules part 2010.1000, item D must be set forth.]

NOW, THEREFORE, IT IS ORDERED that the rule identified as _____ [as modified] is adopted this ____ day of _____, 19__, pursuant to authority vested in [me] [the Board] by Minnesota Statutes, section _____.

COMMISSIONER OF _____

2010.9960 RECOMMENDED NOTICE OF SUBMISSION OF THE EMERGENCY RULE TO ATTORNEY GENERAL.

STATE OF MINNESOTA
DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

NOTICE OF SUBMISSION
OF EMERGENCY RULE
TO THE ATTORNEY
GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, _____, 19__, for review as to legality and form to the extent form relates to legality. The proposed emergency rule, the rule as adopted, all the notices, all written comments received and other required documents also have been submitted to the attorney general.

[(If the proposed emergency rule has been modified:) The proposed emergency rule which was published in the State Register and made available to the public on _____, 19__, has been modified. A free copy of the emergency rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is available upon request from _____.]

The rule must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rule. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. Your comments must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously:

obtained from the Board by writing or telephoning Norman Hanson at the address or telephone number listed above in Part II of this notice.

[Name, address, and phone number of appropriate person in the agency]

Commissioner

Dated: _____

REPEALER: Minnesota Rules, parts 2000.0200; 2000.0300; 2000.0400; 2000.0500; 2000.0600; 2000.0700; 2000.0800; 2000.0900; 2000.1000; 2000.9900; 2000.9905; 2000.9910; 2000.9915; 2000.9920; 2000.9925; 2000.9930; 2000.9935; 2000.9940; 2000.9945; 2000.9950; 2000.9955; 2000.9960; 2000.9965; 2000.9970; 2000.9975; 2000.9977; 2000.9980; 2000.9983; 2000.9985; are repealed.

Department of Health

Proposed Rules Governing the Cost Effectiveness and Economic Impact of the Regulation of Human Service Occupations

Alternative Notices: Notice of Intent to Adopt Rules without a Public Hearing; Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing; and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I.

Explanation of Alternative Notices

The Minnesota Department of Health is hereby giving notice of its intent to adopt rules without a public hearing under the non-controversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1984), as amended. However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1984), and in order to expedite the rulemaking process should that occur, the Minnesota Department of Health is at the same time hereby giving notice of the hearing on the proposed rules pursuant to Minn. Stat. §§ 14.131 to 14.20 (1984), as amended. The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on January 29, 1986, there will be 6 days before the scheduled hearing date. This 6-day period will give interested persons ample time to contact the Minnesota Department of Health to find out whether the hearing will be cancelled and to plan accordingly.

II.

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health proposes to adopt the above captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Minnesota Department of Health has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1984), as amended.

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on January 29, 1986. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any suggested changes to the rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Minnesota Department of Health and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules being addressed, the reason for the request, and any changes they want made to the proposed rules.

If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Minnesota Department of Health be informed of the specific proposed rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Minnesota Department of Health to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by January 29, 1986. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1984), as amended, and the hearing notice provided below.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Comments or written requests for a public hearing should be submitted to:

Norman Hanson
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5443

The statutory authority of the Minnesota Department of Health to promulgate the proposed rules is contained in Minn. Stat. § 214.12, subd. 1 (1984).

If adopted, the proposed rules would set standards to be used in determining the overall cost effectiveness and economic impact of credentialing a human services occupation.

The proposed rules were published in the *State Register* (10 S.R. 724) on September 30, 1985 and a free copy of them may be obtained from the Minnesota Department of Health by writing or telephoning Norman Hanson at the address or telephone number listed above.

A statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Minnesota Department of Health by writing or telephoning Norman Hanson at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local bodies nor have an impact on agricultural land; therefore no further information need be provided under Minn. Stat. § 14.11 (1984).

The proposed rules may affect small businesses. In accordance with Minn. Stat. § 14.115, the Department's consideration of any such effect is discussed in the Statement of Need and Reasonableness. Persons representing small businesses are invited to participate in the rule hearing process.

Upon adoption of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rules as adopted, should submit a written request to Norman Hanson at the address listed above.

III.

Notice of Intent to Adopt Rules with a Public Hearing if 25 or more Persons Request a Hearing

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE CAPTIONED PROPOSED RULES WITHIN THE 30 DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON FEBRUARY 4, 1986, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above captioned matter will be held pursuant to Minn. Stat. § 14.131 to 14.20 (1984), as amended, in Room 105, Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, on February 4, 1986, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55414, telephone (612) 341-7608. This written material must be received at the Office of Administrative Hearings before the close of the hearing record.

The hearing record will remain open for the inclusion of written material for five working days after the hearing ends unless a longer period not to exceed 20 calendar days is ordered by the Administrative Law Judge at the hearing. Written material received during this period will be available for review at the Office of Administrative Hearings. The Minnesota Department of Health and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period.

This rule hearing procedure is governed by Minn. Stat. § 14.131 to 14.20 (1984), as amended, and by Minn. Rules pts. 1400.0200 to 1400.1200 (1985), as amended in 9 S.R. 2276 (April 8, 1985), promulgated by the Office of Administrative Hearings, questions about procedure may be directed to the Administrative Law Judge.

If adopted, the proposed rules would set standards to be used in determining the overall cost effectiveness and economic impact of credentialing a human services occupation.

The proposed rules were published in the *State Register* 10 S.R. 724 September 30, 1985, and a free copy of them may be

The statutory authority of the Minnesota Department of Health to make the proposed rule changes is contained in Minn. Stat. § 214.13, subd. 1 (1984).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

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

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

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

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Minnesota Department of Health offices and the Office of Administrative Hearings. This Statement of Need and Reasonableness contains the verbatim evidence and argument which the Minnesota Department of Health will present at the hearing justifying both the need for and the reasonableness contains the verbatim evidence and argument which the Minnesota Department of Health will present at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Minnesota Department of Health's offices or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Minnesota Department of Health may not take any final action on the proposed rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the proposed rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Minnesota Department of Health at any time prior to the filing of the rules as adopted with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; no further information need be provided under Minn. Stat. § 14.11 (1984).

The proposed rules may affect small businesses. The actual affect, if any, is discussed in the Statement of Need and Reasonableness.

**IV.
Notice of Intent to Cancel Hearing if Fewer Than
25 Persons Request a Hearing**

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III, ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Minnesota Department of Health before January 29, 1986, and leave your name, address, and telephone number. You will be notified after January 29, 1986, if the hearing has been cancelled. You may also call the Minnesota Department of Health after January 29, 1986, for oral confirmation regarding the scheduled hearing.

December 16, 1985

Sister Mary Madonna Ashton
Commissioner of Health
Minnesota Department of Health

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Medical Examiners

Adopted Rule Relating to Medical Board Licensing Fees

The rule proposed and published at *State Register*, Volume 10, Number 14, pages 749-750, September 30, 1985 (10 S.R. 749) is adopted with the following modifications:

Rule as Adopted

5600.2500 ANNUAL FEES.

The fees charged by the board are fixed at the following rates:

- A. examination fee, \$300;
- B. application fee, \$100;
- C. physician annual registration, \$40;
- D. osteopath annual registration, \$40;
- E. ~~temporary graduate training permit~~, \$15;
- F. certification to other states, \$10; and
- G. F. temporary licenses, \$40.

OFFICIAL NOTICES

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

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

Department of Commerce

Outside Opinion Sought Regarding Proposed Rules Relating to Uniform Conveyancing Blanks Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Uniform Conveyancing Blanks. Promulgation of these rules is authorized by Minnesota Statutes 507.09 (1984).

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Scott Borchert, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-4026.

All statements of information and comment shall be accepted until February 5, 1986. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Metropolitan Council

Public Meetings: Aviation Chapter of the Metropolitan Development Guide

The Metropolitan Council will hold two public meetings to present and discuss revisions to the Aviation Chapter of the Council's Metropolitan Development Guide. Two meetings have been scheduled:

Tuesday, January 7
Richfield Community Education
Center
Elliot Avenue and West 70th St.
Richfield

Thursday, January 9
Hennepin-Brookdale Library
6125 Shingle Creek Parkway
Brooklyn Center

The meetings will begin at 7:00 p.m.

The Aviation Chapter replaces the version of the document, initially adopted in 1978 and amended in 1983. It details aviation goals, policies, guidelines, and a long-range aviation system plan to support the Metropolitan Development and Investment Framework. The Framework represents the Council's approach to guiding development and change in the region. The Aviation Chapter is to be used as a statement of the direction that the Twin Cities metropolitan aviation investments are to take between now and the year 2003. It is also to serve as a guide to develop more detailed studies, aviation facility projects, implementation programs and coordination efforts. The Metropolitan Council will use this chapter as its guide in reviewing airport plans and related referral proposals.

All interested persons are encouraged to attend the public meetings and offer questions and comments on the Aviation Chapter. If you will be attending, you are encouraged to contact Lucy Thompson at 291-6521. Questions about the Guide Chapter should be directed to Chauncey Case of the Council's Transportation Planning staff at 291-6342. Copies of the draft Chapter are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55102

Dakota County Library—Eagan Branch
1340 Wescott Rd.
Eagan, Minnesota 55123

Hennepin County Library—Southdale Branch
7001 York Avenue
Roseville, Minnesota 55435

Metropolitan Council

Public Meetings: Hennepin County Resource Recovery Project

The Metropolitan Council has prepared a draft environmental impact statement (EIS) on the Hennepin County resource recovery project. The county is proposing to construct a 1,000 ton-per-day waste-to-energy facility and four transfer stations. The waste-to-energy facility will be located in Minneapolis and cogenerate steam and electricity. Proposed transfer station locations have been identified in Hopkins, Brooklyn Park, Bloomington and Minneapolis. The Council will hold two public meetings on the draft EIS. The meetings will be held at the following times and locations.

Wednesday, Jan. 15, 7 p.m., Hennepin County Government Center Auditorium, A-level, 300 S. 6th St., Minneapolis, Minn.

Thursday, Jan. 16, 7 p.m., Edina Community Center, 5701 Normandale Rd., Edina, Minn.

The purpose of the meetings is to solicit comments on the draft EIS. All interested people are encouraged to attend the meetings and offer comments. You may register in advance to speak by contacting Lucy Thompson of the Council's Planning Assistance staff at 291-6521. Written comments will be accepted until Jan. 30, 1986. Questions on the EIS should be directed to Paul Smith, of the Council's Solid Waste Division staff, at 291-6408.

OFFICIAL NOTICES

Copies of the summary of the EIS are available free of charge from the Council's Communications Department at 291-6464. Copies of the complete EIS will also be available for public inspection beginning Dec. 16, 1985, at the following libraries:

Metropolitan Council Library
300 Metro Square Bldg.
7th and Robert Streets
St. Paul, MN 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, MN 55401

St. Paul Public Library
Science and Library Room
90 W. 4th St.
St. Paul, MN 55102

Hennepin County Public Library—Southdale Branch
7001 York Av.
Edina, MN 55435

Hennepin County Public Library
Brooklyn Park Branch
8600 Zanc Avenue N.
Brooklyn Park, MN 55443

Hennepin County Public Library
Oxboro Branch
8801 Portland Avenue S.
Bloomington, MN 55420

Hennepin County Public Library
Hopkins Branch
22 - 11th Avenue N.
Hopkins, MN 55343

Hennepin County Public Library
Pennlake Branch
8800 Penn Avenue S.
Bloomington, MN 55431

Hennepin County Public Library
Eden Prairie Branch
7420 Eden Prairie Rd.
Eden Prairie, MN 55344

Hennepin County Public Library
St. Louis Park Branch
3240 Library Lane
St. Louis Park, MN 55426

Sandra S. Gardebring
Chair

Public Utilities Commission

Outside Opinion Sought on Interpretive Rules Stating the Criteria for determining a Significant Level of Investments In and Expenditures For Conservation Improvements for Covered Utilities and Rules Requiring the Submission of Necessary Data

In 1983, the Legislature amended Minn. Stat. § 216B.241 to require the Commission to "ensure that every public utility with operating revenues in excess of \$50,000,000 operate one or more programs . . . which make significant investments in and expenditures for energy conservation improvements."

On February 19, 1985, the Commission issued its Order Approving Minnesota Power's (MP) Conservation Improvement Program (CIP) and Requiring Information Filing In the Matter of the Implementation of Utility Energy Conservation Improvement Programs and Establishing a Utility Renewable Resource Pilot Program, Docket No. G,E-999/CI-83-565. In that Order, the Commission approved MP's proposed conservation improvement programs and found that the levels of expenditures anticipated was an acceptable first step in achieving a significant investment. In making this determination, the Commission used the criteria recommended by a task force established by the Commission. The four criteria relied upon were: (1) a practical estimate of potential, cost-effective conservation improvements in relevant end-uses throughout a utility's service area, constrained by what is an achievable market penetration; (2) short- and long-term impact on rates; (3) total dollars spent on CIP programs annually and over the life of the programs and expressed as a percentage of gross revenues; and (4) number of utility customers, including number of low-income and renter participants, as well as participation expressed as a percentage of the total number of customers who are eligible for the program.

The Commission intends to develop administrative rules which interpret the statutory requirements that the Commissioner ensure that covered utilities make significant investments in energy conservation improvements.

Notice is hereby given that the Commission is seeking information or opinions from sources outside the agency on the appropriate content of the interpretive rules regarding the levels of investment in conservation improvement programs by covered utilities which can be considered "significant." As a part of the comments, interested persons may comment on the following questions or on any other matter that may be relevant and useful to the Commission. (1) Should the interpretive rules set a specific definition of

“significant investment” or should the rules specify criteria to be relied upon by the Commission in making this determination? (2) If a definitional approach is appropriate, what is a reasonable definition of “significant investment”? (3) If it is not appropriate to itemize the criteria upon which the Commission should rely to determine what a significant investment is, is the criteria relied upon by the Commission in the MP Order the most appropriate? (4) Should the rules require the submission of data needed to allow the Commission to rely on the criteria to determine a significant investment?

The Commission is setting a 45-day comment period. The deadline for comments and statements is 4:30 p.m., February 13, 1986. All comments submitted will be available for review by members of the public at the Commission’s office during normal business hours. Interested persons should reference Docket No. G,E-999/R-85-847 on all written materials. Written comments should be addressed to Mary Ellen Hennen, Executive Secretary, Minnesota Public Utilities Commission, 780 American Center, Building, 150 East Kellogg Boulevard, St. Paul, MN 55101.

Oral comments or questions may be directed to Paul Schweizer at (612) 296-7125 or to Susan Mackenzie at (612) 297-4563. Any written material received by the Commission shall become part of the rulemaking record.

Department of Transportation

Petition of the City of Roseville for a Variance from State Aid Standards for Roadway Widths

Notice is hereby given that the City Council of the City of Roseville has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a construction project on Cleveland Avenue (MSAS 241) from County Road B-2 to Oakcrest Avenue.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapter 161 and 162 so as to permit a roadway width of 40 feet (three lanes with no parking) instead of the required 52 foot width. (four lanes with no parking).

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, MN 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

December 17, 1985

Richard P. Braun
Commissioner of Transportation

STATE CONTRACTS

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

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
34-000-04827	Message Announcers	Housing Finance Agency	St. Paul	Contact buyer
02-307-47756	Fertilizer	Administration— Plant Management	St. Paul	Contact buyer
79-000-50613	Rental of Photocopy Machine	Transportation	St. Paul	Contact buyer
36-000-04756	Purchase of Copy Machine	Education	St. Paul	Contact buyer
79-750-RM	Ready Mix	Transportation	Windom	Contact buyer
26-073-18409- Rebid	IBM Wheelwriter 5	St. Cloud State University	St. Cloud	Contact buyer
27-145-47467	Library Detection System—Lease/Purchase	Willmar Community College	Willmar	Contact buyer
Sch. 168-SP	Steel Flanged Channel Sign Posts	Transportation	Various Districts	Contact buyer
80-300-03327	Weight Dollies	Public Service	St. Paul	Contact buyer
78-830-07917	All Wardrobe, Desk Combination Units	MN Correctional Facility	St. Cloud	Contact buyer
78-630-06382	Purchase of Photocopier	MN Correctional Facility	Oak Park Heights	Contact buyer
79-000-50397	Minnesota "On Demand" Weather Information Via Computer Data Network	Transportation	Various Locations	Contact buyer
65-340-93332	Lease/Purchase Word Processing System	Human Services	St. Paul	Contact buyer
21-200-11946	Blanket Insurance Coverage for Fire, Extended Coverage, Vandalism & Malicious Mischief	Jobs & Training	St. Paul	Contact buyer
Contract 02-307-46045 Rebid	Measuring Tapes & Rules Draperies & Install	Various Governor's Office	Various St. Paul	4,000-5,000 Contact buyer
Contract	Heavy Duty Hydraulic Brake Fluid	Various	Various	4,500-5,000
Contract	Library Book Contract	Various	Various	Contact buyer
79-000-50679	Traffic Signal Pedestal Shafts	Transportation— Electrical	St. Paul	Contact buyer
55-106-06138	Bates Bedspreads	Human Services— Willmar State Hospital	Willmar	Contact buyer
79-750-A	Aggregates	Transportation	Windom	Contact buyer
27-152-46235	Tractor, Compact Type	Anoka Ramsey Community College	Minneapolis	Contact buyer

Contact 296-6152 for referral to specific buyers.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Energy and Economic Development Community Development Division

Request for Proposals for a Grants Management System

Request for Proposals (RFPs) are being accepted for Phase III of a grants management system. This Request for Proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A. Scope of Project

The project requires the implementation of Phase III of a detailed systems specification for the management of state and federal grant programs administered by the Community Development Division of the Department of Energy and Economic Development (DEED). The scope of the system's design must provide for grant administration and monitoring, in addition to exception reporting, to meet state and federal requirements from functional specifications. Functional specifications are available upon request from the Department Contact.

B. Goals and Objectives

Development of an automated project allocation and monitoring module capable of tracking projects concurrently and provide various exception and production reports as to the status of projects. System must provide a high level report writing language or have a unique capability to retrieve information in various forms to enable the Department, at different levels, to respond to grant program inquiries, both internal and external.

C. Contractor's Duties

1. Develop Detail System Specifications for the CDBG Program and Economic Recovery Program off of the previously developed Functional Specifications. The System Specifications will include:
 - a. Output Reports and Screen Definitions;
 - b. Input Documents and Screen Definitions; and
 - c. Eliminate Definitions for Data Base.
2. Develop Procedures Flow and Narrative as it relates to New Automated System.
3. Complete Programming and testing from Detail System Specifications using Grant Tracking System developed for LAWCON/LCMR as a base.
4. Complete Program Documentation to include:
 - a. Narrative;
 - b. Screen Layout;
 - c. Report Layout;
 - d. Data Base Definition.
5. Implement system on current Novell Network.
6. Train users on System Functionality and Application including fiscal tracking.
7. Conduct Post Implementation Review.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

D. Department Contacts

Prospective responders who have any questions regarding this request for Proposal may call or write:

Joy Thompson
Department of Energy & Economic Development
Community Development Division
9th Floor American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-9791

STATE GRANTS

Please Note: Other department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

E. Submission of Proposals

All proposals must be sent to and received by Joy Thompson, address listed in (D) above not later than 4:30 p.m., on January 16, 1986. Late proposals will not be accepted. Submit three copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal, as stated, must be valid for the length of the project.

F. Project Costs

The Department has estimated that the cost of this project should not exceed \$26,000.

G. Project Completion Date

Phase III will be completed in stages to meet federal and state program deadlines:

1. Stage I deadline—2/28/86
2. Stage II deadline—4/30/86
3. Stage III deadline—6/30/86.

H. Proposal Contents

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, tasks, and time frame to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.
4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.
5. Identify the level of the Department's participation in the project, as well as any other services to be provided by the Department.

I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the DEED, Community Development Division. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualification of both company and personnel.
5. Ability to complete project within specified time frame.

Notification will be sent to all responders no later than January 25, 1986.

SUPREME COURT DECISIONS

Decisions Filed Friday, December 20, 1985

Compiled by Wayne O. Tschimperle, Clerk

C6-84-1890 State of Minnesota v. Harold Allan Gustafson, Appellant. Ramsey County.

The reasoning relied upon by the trial court in denying the defendant a separate trial meets the requirements of Minn. R. Crim. P. 17.03, subd. 2(1).

Minn. R. Crim. P. 9.01, subd. 3(2), allowing the state to withhold information until certain potential witnesses have testified, does

not violate the defendant's right to obtain disclosure of information under *State v. Thompson*, 273 Minn. 1, 139 N.W.2d 490 (1966), and exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1964).

Pretrial photo lineup procedure did not result in a substantial likelihood of irreparable misidentification.

The evidence was sufficient to find the defendant guilty of first-degree murder.

District court correctly excluded inadmissible evidence concerning prior offenses and bad acts of certain witnesses.

There is no showing that perjured testimony was used against the defendant.

Cumulative effect of prosecutor's arguments during closing argument did not deny appellant a fair trial.

Affirmed. Yetka, J.

Took no part, Peterson, J.

C7-85-1 State of Minnesota v. Guy James Hathaway, Appellant. Ramsey County.

The reasoning relied upon by the trial court in denying the defendant a separate trial meets the requirements of Minn. R. Crim. P. 17.03, subd. 2(1).

Minn. R. Crim. P. 9.01, subd. 3(2), allowing the state to withhold information until certain potential witnesses have testified, does not violate the defendant's rights under *State v. Thompson*, 273 Minn. 1, 139 N.W.2d 490 (1966), or *Brady v. Maryland*, 373 U.S. 83 (1963).

Upon reviewing the totality of circumstances of pretrial identification in this case, a substantial likelihood of irreparable misidentification did not occur.

The introduction of the victim's photo in police uniform did not play a substantial part in influencing the jury's verdict, in light of all the evidence submitted.

From all the evidence admitted, it was reasonable for the jury to determine that the defendant was guilty of first degree murder.

Affirmed. Scott, J.

Took no part, Peterson, J.

C5-83-1918 Paul Gererd Hoeschen v. South Carolina Insurance Company, Petitioner, Appellant. Court of Appeals.

The doctrine of *Feres v. United States*, 340 U.S. 135 (1950) is inapplicable to insulate one serviceman from liability for the negligent operation of his motor vehicle during an activity unrelated to his or his passenger's military service. *Brooks v. United States*, 337 U.S. 49 (1949).

The underinsured motorist coverage provided by a policy issued in North Carolina entitles its insured to benefits to the extent his damages exceed the liability coverage of the defendant, not exceeding the policy limits of the insured's policy.

Affirmed. Coyne, J.

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