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EXECUTIVE ORDERS

Executive Order No. 157

Assigning Emergency Responsibilities to State Agencies and Repealing Executive Orders 102 and 102A

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, Natural Disasters and Industrial Accidents may occur in any part of the State; and

WHEREAS, potential enemies of the United States have the capability to attack this State and the United States; and

WHEREAS, certain assignments of disaster responsibilities have previously been made by Executive Orders 102 and 102A; and

WHEREAS, current concepts in disaster procedures necessitate changes in established plans:

NOW, THEREFORE, I order:

1. All previous Executive Orders making assignments of emergency and disaster responsibilities are hereby rescinded.

2. Each department, independent division, bureau, board, commission, and independent institution of the State government, hereinafter referred to as agencies, shall prepare and disseminate to all employees appropriate plans and instructions for:

- a. The protection of personnel, equipment, supplies, and public records in a disaster.
- b. The carrying on of such of its normal services as may be needed in a disaster.
- c. Carrying out the emergency assignments made by this Order.

3. The responsibility for emergency planning shall rest with the head of each agency. Draft copies of completed plans shall be submitted to the Director, Division of Emergency Services, Department of Public Safety, for review and coordination.

4. Each agency assigned specific disaster responsibilities shall assign competent personnel of the agency to develop necessary emergency plans and to staff the State and Regional Emergency Operating Centers and Assistance Centers. These personnel shall be available for planning, training, and operations, and are authorized time off or compensation for services outside regular working hours as the head of the agency may direct.

5. The assignments of agencies for other than war-caused emergencies are made in Appendix 1 of this Order. These assignments anticipate the need to provide assistance to specific areas of the State affected by disaster. The assignments for a war-caused emergency are made in Appendix 2 of this Order. These assignments are based on the need for complete mobilization of all of the State's resources in such a disaster.

EXECUTIVE ORDERS

This Order shall be effective 15 days after publication in the *State Register*, and shall remain in effect until rescinded by the proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 12th day of October, 1977.



EXECUTIVE ORDER NO. 157

APPENDIX 1 — NATURAL DISASTER ASSIGNMENTS

PART I — DEPARTMENT OF PUBLIC SAFETY

DIVISION OF EMERGENCY SERVICES

- Section 1-101 The Director of Emergency Services shall serve as the State Coordinating Officer, and the Deputy Director shall serve as the Deputy State Coordinating Officer, for all Presidential Declared Emergency and/or Major Disasters.
- Section 1-102 The Division of Emergency Services shall monitor operations of the State portion of the National Warning System and coordinate any actions determined to be necessary to maintain service or extend coverage within the State.
- Section 1-103 Either directly or through its Regional Directors, the Division of Emergency Services shall assist local communities that desire to construct flood protection works in completing all prerequisite actions and obtain concurrence of the Department of Natural Resources, Department of Transportation, and Pollution Control Agency in any project before requesting construction assistance from the U.S. Army Corps of Engineers.
- Section 1-104 Natural disaster assistance training and education requirements shall be coordinated by the Division of Emergency Services with the agency conducting the training. These needs shall be reflected in the guidance provided to the training agencies concerning the courses desired and their content.
- Section 1-105 The Division of Emergency Services shall establish an emergency procedure for receiving notification of any type of disaster within the State and alerting State agencies to respond to these disasters.
- Section 1-106 When a major natural disaster threatens or has occurred, the Division of Emergency Services shall activate the State Emergency Operating Center. Regional Directors shall establish an Emergency Operating Center in or adjacent to the disaster area, as required, to coordinate field operations. The Division shall notify State agencies with responsibilities in emergency operations when the State and/or Regional Emergency Operating Centers are or will be activated in order that they may provide staff.

EXECUTIVE ORDERS

- Section 1-107 The Division of Emergency Services shall coordinate Damage Assessment requests for Federal Disaster Assistance on behalf of political subdivisions and State agencies.
- Section 1-108 Once a determination has been made after a Presidential Declaration of a Major Disaster to establish Disaster Assistance Centers, the Division of Emergency Services in conjunction with the State Coordinating Officer, shall assist in notifying the State agencies that will provide representatives to the Center to deal directly with the needs of individual victims and in coordinating their activities thereafter.
- Section 1-109 The Division of Emergency Services, in conjunction with the State Coordinating Officer, shall assist political subdivisions in preparing and processing project applications for Federal assistance in repairing and restoring essential public facilities.
- Section 1-110 The Division of Emergency Services shall notify the Governor, and Executive Council when staff of other State agencies are involved in disaster operations.
- Section 1-111 The Division and Emergency Services shall administer the Individual and Family Grant Program as provided under Public Law 93-288.
- Section 1-112 The Division of Emergency Services and/or the State Coordinating Officer shall be responsible for the review and coordination of the emergency operating plans of the agencies given assignments by this order. A current copy of these plans in the form of Standing Operating Procedures will be filed at the State Emergency Operating Center.
- Section 1-113 The Division of Emergency Services will coordinate the charitable agencies activities as they pertain to the Foreign Disaster Relief Program.
- Section 1-114 The Division of Emergency Services will implement procedures for petroleum shortages, petroleum allocation, and insure compliance and enforcement, if necessary, of existing regulations to be enacted pertaining to petroleum shortages and petroleum allocation.
- Section 1-115 The Division of Emergency Services will prepare procedures for the development of requests to the State Executive Council for financial assistance under provisions of Minnesota State Statute 9.061, the "Calamity Act."

DIVISION OF CRIMINAL APPREHENSION

- Section 1-121 The Division of Criminal Apprehension shall be responsible for the dissemination of warning of Natural Disasters and Industrial Accidents over the Minnesota Law Enforcement Teletype Network.
- Section 1-122 The Division of Criminal Apprehension will provide support to the State Patrol in assisting local government in traffic control and law enforcement in a disaster in accordance with the State emergency plan.
- Section 1-123 The Division of Criminal Apprehension will assign personnel as enforcement service chiefs at Regional Operating Centers.

EXECUTIVE ORDERS

DIVISION OF FIRE MARSHAL

- Section 1-131 The Division of Fire Marshal will assist local government in planning for emergency rescue operations and fire protection and obtaining fire fighting and rescue assistance in an emergency in accordance with the State emergency plan.
- Section 1-132 The Division of Fire Marshal will coordinate with the Department of Education, Vocational Training/Field Services Division and the Department of Natural Resources for training of local government in emergency fire and rescue operations.

DIVISION OF STATE PATROL

- Section 1-141 The State Patrol Division is responsible for Law Enforcement and Traffic Control on all Interstate and State Trunk Highways in an emergency.
- Section 1-142 The State Patrol Division shall assist local police agencies with available resources in Law Enforcement and Traffic Control when requested by proper local authority to do so.
- Section 1-143 The State Patrol Division shall act as Net Control for the National Warning System (NAWAS) within the State for the dissemination of a major emergency or natural disaster warning.
- Section 1-144 The State Patrol Division shall be responsible for protection of the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this protection.

CAPITOL SECURITY

- Section 1-151 The Capitol Security Division of the State Emergency Law Enforcement Services shall be responsible for providing protection to property, and equipment in the Capitol Complex during an emergency and shall prepare plans and procedures to accomplish this.
- Section 1-152 The Capitol Security Division will provide twenty-four hour security for the State Emergency Operating Center during an emergency.

PART II — DEPARTMENT OF ADMINISTRATION

- Section 1-201 The Department of Administration, Telecommunications Division, shall serve as the Emergency Communication Service and shall coordinate planning of Statewide telecommunications systems and services for emergency operations, as necessary, during a declared emergency.
- Section 1-202 The Department of Administration shall provide engineers to prepare damage assessment and damage survey reports of public buildings damaged by disaster in accordance with the State emergency plan.

EXECUTIVE ORDERS

Section 1-203 The Department of Administration shall administer the State self insurance program as it relates to Federal Disaster Assistance, as set forth under Public Law 93-288.

PART III — DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

Section 1-301 The Division of Aeronautics will establish restricted flights over disaster areas when requested by the State Division of Emergency Services or other appropriate authority.

Section 1-302 The Division of Aeronautics will coordinate all flights through and with the Civil Air Patrol in Search and Rescue Missions.

Section 1-303 The Division of Aeronautics will coordinate civilian air transportation and military air transportation in an emergency disaster situation.

Section 1-304 The Division of Aeronautics will provide personnel to prepare damage survey reports for airports and airport facilities damaged in any type of major disaster.

Section 1-305 The Division of Aeronautics will provide Air Transportation and/or reconnaissance as required by the Division of Emergency Services in a buildup of Declared Disaster Situation.

DIVISION OF HIGHWAYS

Section 1-311 The agency shall be responsible for the plans, supervision, direction, and control of emergency engineering services in disaster operations.

Section 1-312 Under certain emergency conditions, the Division of Highways shall make available the Maintenance Construction Communication System for use as the Division of Emergency Services Command Net.

Section 1-313 The Division of Highways is responsible for debris and wreckage removal from all Interstate and State Trunk Highways and for other assistance to political subdivisions on other roadways as may be required.

Section 1-314 The Division of Highways shall provide any highway clearances and waivers required to expedite the transportation of temporary housing or other high priority materials.

Section 1-315 When an emergency diking project is proposed in the State, the Division of Highways shall determine the impact of the planned construction on the Interstate and State Trunk Highway systems, and recommend approval or disapproval of the project before work begins.

Section 1-316 The Division of Highways shall provide engineers to prepare damage assessment and damage survey reports of damage to roads, streets, and highway facilities caused by a disaster.

EXECUTIVE ORDERS

Section 1-317 The Division of Highways, working with the State Health Department, shall provide protective action and shall monitor radioactive incidents on the roadways of the State, whether created by a nuclear power plant or transportation accident.

DIVISION OF PUBLIC TRANSPORTATION

Section 1-321 The Division of Public Transportation shall prepare plans for receiving and disseminating to appropriate agencies information concerning the shipment of chemical, radiological, and other materials that are potentially hazardous.

Section 1-322 The Division of Public Transportation will be responsible for the coordinating of all rail, bus, and truck transportation in the State during an emergency, including emergency transportation in the disaster area.

Section 1-323 The Division of Public Transportation will coordinate with the Public Services Commission for emergency operations of ports and pipelines in a major emergency or natural disaster.

PART IV — DEPARTMENT OF AGRICULTURE

Section 1-401 The Department of Agriculture shall provide guidance for the use of agricultural land and crops affected by natural disaster or peacetime accidents or incidents.

Section 1-402 The Department of Agriculture with the assistance of the Minnesota Livestock Sanitary Board, shall provide guidance for the use of farm animals affected by natural disaster or peacetime accidents or incidents involving hazardous chemicals.

Section 1-403 The Department of Agriculture shall coordinate food service activities with Federal and State agencies having responsibilities for food resources in an emergency, specifically food inspection, coordinating with hotel and restaurant inspection in mass feed facilities.

Section 1-404 The Department of Agriculture will gather and assemble damage estimates for the Division of Emergency Services on agriculture for Disaster Declarations.

PART V — DEPARTMENT OF COMMERCE

Section 1-501 The Department of Commerce shall provide the Division of Emergency Services with an estimate of the immediate economic impact of a disaster and projections of long range effects.

Section 1-502 The Insurance Division of the Department of Commerce shall develop a plan to provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to furnish information relative to insurance claim procedures to persons affected by the disaster.

Section 1-503 The Consumer Services Section of the Department of Commerce shall provide for

EXECUTIVE ORDERS

representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to provide consumer information to disaster victims.

PART VI — DEPARTMENT OF EDUCATION

- Section 1-601 The Department of Education shall assist school districts throughout the State in preparing plans for the protection of school children in an emergency. These plans shall include shelter facilities for students in schools, or evacuating them to their homes.
- Section 1-602 When public elementary or secondary school facilities have been damaged or destroyed by a major disaster, the Department of Education shall assist local education districts in preparing and submitting a request for a financial assistance grant from the Federal government as appropriate.
- Section 1-603 The Department of Education, Child Nutrition Section, shall have the legal responsibility for Federal Government food commodities. The Department of Public Welfare shall be responsible for coordinating these provisions to victims in the disaster area.
- Section 1-604 The Department of Education will assist local government in training for emergency fire and rescue operations in coordination with the State Fire Marshal, and the Department of Natural Resources.

PART VII — DEPARTMENT OF HEALTH

- Section 1-701 The Department of Health shall establish standards and guidelines and also coordinate and evaluate emergency care training programs for specialized groups including ambulance, police, fire and rescue personnel who are involved in emergency medical care throughout the State.
- Section 1-702 The Department of Health, in cooperation with the office of Electronic Communications of the Division of Highways, shall develop a statewide emergency medical services radio communications system.
- Section 1-703 The Department of Health, through its district representatives, shall assist in the marshalling of emergency medical resources including hospitals, blood banks, ambulance services, and packaged disaster hospitals to respond to disasters.
- Section 1-704 The Department of Health shall provide assistance to the local health officer to ensure the safety of food and water for human consumption during and immediately after a disaster.
- Section 1-705 The Department of Health shall contact and secure services of appropriate technical personnel including engineers and Environmental Health Specialists, health physicists and chemists in the field to meet the health needs of the disaster area. Such staff will be responsible for determination of safety of water supplies, the overall determination of the safety of conditions prior to re-occupancy.
- Section 1-706 The Department of Health shall provide engineers and Environmental Health

EXECUTIVE ORDERS

Specialists to prepare damage survey reports of health and public water facilities damaged by disaster. The engineers will assist communities in determining the cost estimates to repair or replace damaged health facilities and public water distribution systems so Federal financial assistance can be requested under Public Law 93-288.

- Section 1-707 The Department of Health shall be responsible for providing guidance on protective action levels and medical assistance to local health authorities in areas affected by accidents or incidents involving explosions, radioactive materials, or hazardous chemicals.

PART VIII — DEPARTMENT OF ECONOMIC SECURITY

DIVISION OF EMPLOYMENT SERVICES

- Section 1-801 The Division of Employment Services shall be responsible for coordinating and directing the use of manpower within the State during disaster operations from State and Region Emergency Operating Centers.
- Section 1-802 The Division of Employment Services shall prepare plans to provide unemployment assistance to eligible individuals whose unemployment results from a disaster declared under the Disaster Relief Act of 1974 (Public Law 93-288). It will also pay benefits under regular unemployment compensation laws to eligible individuals in cases where a natural disaster has not been declared.

GOVERNOR'S MANPOWER OFFICE

- Section 1-811 The Governor's Manpower Office shall provide for representatives at such assistance centers as deemed necessary by the State Division of Emergency Services Director to provide legal assistance to low income disaster victims.
- Section 1-812 The Governor's Manpower Office shall provide such personnel as required by the Division of Emergency Services for staffing the State Emergency Operating Center in times of an Emergency Declared by the Executive Council.

PART IX — DEPARTMENT OF MILITARY AFFAIRS

- Section 1-901 The Department of Military Affairs shall prepare plans and procedures for providing military support to Civil authorities for law enforcement, rescue, and communications in an emergency.

PART X — DEPARTMENT OF NATURAL RESOURCES

- Section 1-1001 The Department of Natural Resources shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program in Minnesota.
- Section 1-1002 The Department of Natural Resources is responsible for debris and wreckage removal from State waterways and forested areas.

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- Section 1-1003 When an emergency diking project is proposed in the State, the Department of Natural Resources shall determine the impact of the planned construction on the flood plain and recommend approval or disapproval of the project before work begins.
- Section 1-1004 The Department of Natural Resources shall provide personnel and equipment support to the State Patrol in emergency law enforcement and traffic control operations, when requested by the Director of Emergency Services.
- Section 1-1005 The Department of Natural Resources shall provide personnel and equipment support to the State Fire Marshal in emergency rescue operations, when requested by the Director of Emergency Services.
- Section 1-1006 The Department of Natural Resources is responsible for coordinating fire suppression activities in forested and grassland areas in the State.
- Section 1-1007 The Department of Natural Resources shall assist State and local governments in applying for grants from the Federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a major disaster.
- Section 1-1008 The Department of Natural Resources shall prepare procedures for providing communications support in a disaster area with Department equipment.
- Section 1-1009 The Department of Natural Resources shall provide engineers to prepare damaged survey reports of debris clearance, emergency protective measures, and damage to dikes, levees, irrigation works, drainage facilities, and public buildings in the disaster area.
- Section 1-1010 The Department of Natural Resources will assist local government in training for emergency fire and rescue operations in full coordination with the State Fire Marshal and the Department of Education.

PART XI — POLLUTION CONTROL AGENCY

- Section 1-1101 The Pollution Control Agency shall develop plans and procedures for the administration and possible modification of pollution control standards in a disaster situation.
- Section 1-1102 The Pollution Control Agency shall provide engineers to prepare damage assessment and damage survey reports of damage to public owned waste disposal systems in the disaster area.
- Section 1-1103 When an emergency diking project is proposed in the State, the Pollution Control Agency shall determine the environmental effects of the planned construction and recommend approval or disapproval of the project, before work begins.
- Section 1-1104 The Pollution Control Agency shall prepare plans and procedures for coordinating the control of spills of polluting substances.

EXECUTIVE ORDERS

PART XII — STATE HOUSING FINANCE AGENCY

- Section 1-1201 The Minnesota Housing Finance Agency shall be responsible for the coordination of State and local efforts to provide temporary housing for disaster victims, in accordance with provisions of the State emergency plan.
- Section 1-1202 The Minnesota Housing Finance Agency will coordinate low cost loans to homeowners of modest income or less through the Agency's Home Improvement Loan Program.

PART XIII — DEPARTMENT OF REVENUE

- Section 1-1301 The Department of Revenue shall provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to provide guidance to disaster victims on the effect of their loss on their State taxes.
- Section 1-1302 The Department of Revenue shall certify tax losses sustained as a result of a natural disaster, if the disaster is of the magnitude to require such information.

PART XIV — DEPARTMENT OF PUBLIC WELFARE

- Section 1-1401 The Department of Public Welfare shall be responsible for coordinating the provision of government commodity foods and food stamps to victims in the disaster area. Legal responsibility for Government commodities is placed with the Minnesota Department of Education, Child Nutrition Section.
- Section 1-1402 The Department of Public Welfare shall provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to receive and process applications for the Individual and Family Grant Program from disaster victims.
- Section 1-1403 The Governor's Citizen Council on Aging (Aging Program Division) will provide representation at the Disaster Assistance Center and the disaster area, as deemed necessary by the State Director of Emergency Services to assist and identify the elderly disaster victims.

PART XV — STATE ENERGY AGENCY

- Section 1-1501 The State Energy Agency will develop a plan for allocation and conservation of energy resources during Energy Emergencies in coordination with energy suppliers in the State for the Division of Emergency Services. The State Energy Agency shall provide staff and relevant information to the Division of Emergency Services to assist in implementation of the plan in an emergency.
- Section 1-1502 The State Energy Agency shall develop a package of Public Information Releases for use in an Energy Emergency as requested by the Division of Emergency Services.

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PART XVI — DEPARTMENT OF ECONOMIC DEVELOPMENT

- Section 1-1601 The Department of Economic Development shall provide the Division of Emergency Services with an estimate of the immediate economic impact of a disaster and projections of long range effects in a major emergency or natural disaster.

PART XVII — STATE AUDITOR

- Section 1-1701 The State Auditor shall be responsible for conducting the State audit of project applications submitted by political jurisdictions for Federal disaster assistance.

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APPENDIX 2 — WAR EMERGENCY ASSIGNMENTS

PART I — DEPARTMENT OF PUBLIC SAFETY

DIVISION OF EMERGENCY SERVICES

- Section 2-101 The Division of Emergency Services shall be responsible for the coordination of all emergency functions of the State and shall review all emergency plans submitted by other agencies for coordination and shall approve all such plans on behalf of the Governor, except those of a military nature.
- Section 2-102 The Division of Emergency Services shall prepare a comprehensive plan describing the purpose, policies, objectives, program emphasis, and legal basis for its day-to-day operations and a plan for emergency operations during a national emergency that will insure the maximum possible protection for all people. This plan shall be in consonance with Federal guidance and shall serve as a guide to political subdivisions and agencies in the development of emergency plans and programs. The plan will coordinate the actions of all agencies of government to make the most efficient use of Federal, State, and local resources.
- Section 2-103 The Division of Emergency Services shall provide technical guidance and assistance to other agencies and political subdivisions in the preparation of their plans for pre-emergency, emergency, and recovery operations.
- Section 2-104 Federal assistance to the State or political subdivisions of the State for emergency purposes shall be coordinated through the Division of Emergency Services. The procedures for accepting this assistance in the form of services, equipment, supplies, material, or funds, under the limitations set by law will be established by the Division.
- Section 2-105 It shall be the responsibility of the Division of Emergency Services to keep the Governor and the Legislature, when in session, informed of any actual or impending disaster. This warning, information, or guidance will be transmitted by the most expeditious means to political subdivisions as required in the interest of public safety.

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- Section 2-106 The emergency training and education needs and requests of other agencies and political subdivisions will be coordinated by the Division of Emergency Services with the agency doing the training. These needs and requests will be reflected in the Division's advice and guidance to support training agencies concerning the needed courses, their content, and the teaching methods to be used.
- Section 2-107 The Division of Emergency Services shall maintain Regional offices in geographical sections of the State, as provided in the Minnesota Civil Defense Act of 1951, and the State Emergency plan, to reinforce emergency operations in stricken areas. The area operations will serve as an extension of State government to insure continuity of government and support to all areas of the State.
- Section 2-108 The Division of Emergency Services shall act as the State coordinating agency with Federal agencies and others having emergency responsibilities in the area of assistance to individuals, supply, conservation, and management of resources in a national emergency.
- Section 2-109 The Division of Emergency Services shall be responsible for the operation of State level programs in economic stabilization and assistance to the counties in establishing economic stabilization programs.
- Section 2-110 The Division of Emergency Services shall be responsible for designating alternate emergency operating sites, in succession, for emergency control should the State Emergency Operating Center become inoperable.
- Section 2-111 The Division of Emergency Services shall be responsible for the operation of the Radiological Defense (RADEF) Service of State disaster operations. The State Radiological Defense Officer shall be the chief of RADEF Service.

DIVISION OF CRIMINAL APPREHENSION

- Section 2-121 The Criminal Apprehension Division shall be responsible for the dissemination of Warning over the Minnesota Law Enforcement Teletype Network.
- Section 2-122 The Criminal Apprehension Division shall be responsible for the coordination of the Enforcement Division of the Law Enforcement Service in the State during disaster operations. These activities will be carried out by several agencies with related day-to-day functions.
- Section 2-123 The Criminal Apprehension Division shall assign personnel as Law Enforcement Division Chiefs of the Law Enforcement Service at the State and Regional operating centers.

DIVISION OF FIRE MARSHAL

- Section 2-131 The Division of Fire Marshal shall have the responsibility of preparing plans and procedures for emergency fire and rescue services during a war caused emergency, and shall assign personnel to State and Region Emergency Operating Centers as Chief of the Fire and Rescue Service.

EXECUTIVE ORDERS

- Section 2-132 The State Fire Marshal shall be the Chief of the State Fire and Rescue Service and shall coordinate its emergency operations.
- Section 2-133 The Division of Fire Marshal shall provide guidance to the political subdivisions of the State in the development of local emergency plans involving fire and rescue operations.

DIVISION OF STATE PATROL

- Section 2-141 The Chief of the State Patrol shall be the Chief of the Law Enforcement Service and shall coordinate its emergency operations in the State.
- Section 2-142 The State Patrol Division shall have the responsibility for the operation of the National Warning System (NAWAS) within the State.
- Section 2-143 The State Patrol Division shall assign personnel as Law Enforcement Chiefs of the State and Regional Operating Centers.
- Section 2-144 The State Patrol Division shall prepare plans and procedures for the enforcement of Emergency Highway Traffic Regulations from State and Region Emergency Operating Centers during national emergencies.
- Section 2-145 The State Patrol Division shall provide guidance to local law enforcement agencies in developing their emergency plans.
- Section 2-146 The State Patrol Division shall be responsible for protection of the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this protection.

CAPITOL SECURITY DIVISION

- Section 2-151 The Capitol Security Division of the State Emergency Law Enforcement Service will be responsible for providing protection to property and equipment in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this.
- Section 2-152 The Capitol Security Division will provide twenty-four hour security for the State Emergency Operating Center during a national emergency.

LIQUOR CONTROL DIVISION

- Section 2-161 The Liquor Control Division shall provide support to the Emergency Law Enforcement Service of the State during a national emergency for State and Regional Emergency Operating Centers.

PART II — DEPARTMENT OF ADMINISTRATION

- Section 2-201 The Department of Administration is responsible for the administration of State government from a protected operating center during national emergency. They shall

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assign the administrative staff, equipment, materials, and personnel needed for emergency operations.

- Section 2-202 The Department of Administration is responsible for the management of Headquarters Services to State government in a national emergency. These services include, but are not limited to, stenographic, publications, maintenance, and feeding at State and Region Emergency Operating Centers.
- Section 2-203 Computer services needed for survival operations and resource management in an emergency will be furnished by the Department of Administration. These services include the use of computer facilities and support staff to provide needed information on a twenty-four hour basis during and immediately following the emergency.
- Section 2-204 The Department of Administration, Telecommunications Division, shall serve as the Emergency Communication Service, and shall coordinate the planning of Statewide telecommunications systems and services for emergency operations, as necessary, during a National Emergency.

PART III — DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

- Section 2-301 The Division of Aeronautics shall have a plan for the utilization of aircraft available for emergency operations in accordance with Federal guidance.
- Section 2-302 The Division of Aeronautics is responsible for providing and coordinating the use of air transportation resources within the Transportation Service of State government during a national emergency at State and Regional Emergency Operating Centers.
- Section 2-303 The Division of Aeronautics will provide liaison with the Civil Air Patrol and Federal Aviation Agency and Military in coordinating special emergency missions, such as search and rescue or aerial radiological monitoring.
- Section 2-304 The Division of Aeronautics shall maintain accurate records of airport facilities, aircraft registrations, and licensed pilots that could be used to provide transportation to various parts of the State in the event of a national emergency.
- Section 2-305 The Division of Aeronautics will provide Air Transportation and/or reconnaissance as required by Division of Emergency Services in buildup to/or in the event of a national emergency.

DIVISION OF HIGHWAYS

- Section 2-311 The Division of Highways shall be responsible for the plans, supervision, direction, and control of engineering services in emergency operations, and shall assign personnel to State and Regional Emergency Operating Centers.
- Section 2-312 Under national emergency conditions, the Division of Highways shall make available

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the Maintenance Construction Communication System for use as the Emergency Services Command Net.

- Section 2-313 The Division of Highways is responsible for debris and wreckage removal from all Interstate and State Trunk Highways and for assistance to political subdivision on other roadways.
- Section 2-314 The Division of Highways shall provide any highway clearances and waivers required to expedite the transportation of high priority materials and personnel during periods of declared emergencies, including mass relocation of the populace.
- Section 2-315 The Division of Highways shall prepare Emergency Highway Traffic Regulation plans and procedures for the regulation of highway travel during period of emergency operations.
- Section 2-316 The Division of Highways shall be responsible for radiological monitoring as needed during a national emergency.

DIVISION OF PUBLIC TRANSPORTATION

- Section 2-321 The Division of Public Transportation shall prepare plans and procedures for coordination of all rail, bus, truck and water transportation in the State during a national emergency.
- Section 2-322 The Division of Public Transportation will coordinate and direct the operations of the Transportation Service during a national emergency from State and Regional Emergency Operating Centers.
- Section 2-323 The Division of Public Transportation will coordinate with the Public Service Commission for operations of ports and pipelines.

PART IV — DEPARTMENT OF AGRICULTURE

(Where domestic animals are involved, the Livestock Sanitary Board is responsible)

- Section 2-401 The Department of Agriculture is responsible for supervision of the Food Supply Service and the protection of farm animals, land and crops, during a national emergency from State and Regional Emergency Operating Centers.
- Section 2-402 The Department of Agriculture shall develop plans and procedures for a statewide food supply and distribution program in order to maintain adequate emergency food supplies. These plans will make provisions for the control and the distribution of primary and secondary foods, as provided for in the Memorandum of Understanding with the United States Department of Agriculture.
- Section 2-403 The Department of Agriculture is responsible for a statewide program for the decontamination and salvage of animals and crops exposed to radioactive fallout and the use of agriculture land contaminated by radioactive fallout, to include decontamination methods, cultivation guidance and type of crop to be grown.

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- Section 2-404 The Department of Agriculture will coordinate food service activities with Federal agencies that have responsibilities for food resources in a national emergency.

PART V — DEPARTMENT OF COMMERCE

- Section 2-501 The Banking Division shall develop emergency plans and provide the necessary staff to support the State's responsibility in emergency banking and fiscal matters of the economic stabilization program as established by the Federal Reserve Bank.

PART VI — DEPARTMENT OF EDUCATION

- Section 2-601 The Department of Education is responsible for providing intelligence information for State disaster operations. They shall assign a Chief and report writers to the State and Region Emergency Operating Center Intelligence Sections.
- Section 2-602 The Department of Education shall be responsible for assisting school districts throughout the State in preparing plans for mass care centers in support of emergency operations.
- Section 2-603 The Department of Education is responsible for providing support to the Radiological Defense (RADEF) Service of State emergency staff disaster operations. This includes assigning qualified personnel as Assistant RADEF Chief, plotters, and analysts at the State and Region Emergency Operating Centers.
- Section 2-604 The Department of Education is responsible for assigning qualified personnel to the Damage Assessment Service. These assignments will include a Service Chief and analysts at the State and Region Emergency Operating Centers.
- Section 2-605 The Department of Education shall be responsible for encouraging and assisting school districts throughout the State in preparation of plans for protecting school children in a national emergency.

PART VII — DEPARTMENT OF HEALTH

- Section 2-701 The Department is responsible for statewide management of emergency health and medical services and resources during a national emergency. This responsibility includes the assignments of a Health and Water Service Chief and other qualified personnel to State and Region Emergency Operating Centers.
- Section 2-702 The Department shall prepare plans and procedures for providing emergency medical care for sick and injured.
- Section 2-703 The Department shall prepare plans and procedures for providing emergency health service during a disaster. These plans shall include provisions for blood program, disease control, sewage, and waste disposal, the handling of radioactive materials, potable water supply, and mass burial of casualties.

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PART VIII — DEPARTMENT OF ECONOMIC SECURITY

DIVISION OF EMPLOYMENT SERVICES

- Section 2-801 The Division of Employment Services will prepare plans and procedures for the use of manpower within the State during national emergencies. The plan shall establish procedures for obtaining individual skills available.
- Section 2-802 The Division of Employment Services will coordinate and direct the operations of the Employment Service during a national emergency from State and Region Emergency Operating Centers.

PART IX — DEPARTMENT OF MILITARY AFFAIRS

- Section 2-901 The Department of Military Affairs shall be responsible for preparing plans and procedures for providing available military support to civil authorities for emergency operations as set forth in the Minnesota Military Support Plan.

PART X — DEPARTMENT OF NATURAL RESOURCES

- Section 2-1001 The Department of Natural Resources is responsible for preparing plans and procedures for radiological, chemical, and biological monitoring of lakes, animals, forest, and grasslands in its area of jurisdiction and assigning personnel to State and Regional Emergency Operating Centers to assist in emergency operations.
- Section 2-1002 The Department of Natural Resources, Division of Forestry, shall be responsible for Fire and Rescue Service in their areas of jurisdiction under the direction of the Chief of Fire and Rescue Service.
- Section 2-1003 The Department of Natural Resources shall provide support to the State Law Enforcement Services from their Enforcement Division from such periods of the national emergency as the Governor may direct.
- Section 2-1004 The Department of Natural Resources shall establish plans for the conservation and distribution of surface and underground waters in the State in emergencies.
- Section 2-1005 The Department of Natural Resources shall assign the State climatologist to the Intelligence Services.

PART XI — POLLUTION CONTROL AGENCY

- Section 2-1101 The Pollution Control Agency shall be responsible for providing support to the Department of Health in national emergency operations in the detection of pollution caused by radiological, chemical and biological agents.
- Section 2-1102 The Pollution Control Agency shall assist the Department of Health in preparing plans and procedures for the detection and control of radiological, chemical, and biological contamination in national emergencies.

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Section 2-1103 The Pollution Control Agency shall develop plans and procedures for the administration and possible modification of pollution control standards in a national emergency.

PART XII — STATE HOUSING FINANCE AGENCY

Section 2-1201 The State Housing Finance Agency shall be responsible for coordinating emergency construction and housing activities within the State during a period of national emergency, and shall assign personnel to State and Regional Emergency Operating Centers.

Section 2-1201 The State Housing Finance Agency shall be responsible for coordinating emergency Housing Division of the Engineering Services.

PART XIII — DEPARTMENT OF REVENUE

Section 2-1301 The Petroleum Division of the Department of Revenue has the responsibility for assisting the Energy Service in the management of all fuel resources within the State in an emergency.

Section 2-1302 The Petroleum Division of the Department of Revenue shall provide staff for the Energy Service at the State and Regional Emergency Operating Centers.

Section 2-1303 The Alcohol, Tobacco, and Special Taxes Division, and Field Operations Division shall be assigned to the Chief of Economic Stabilization Service for assignment in compliance activities.

PART XIV — DEPARTMENT OF PUBLIC WELFARE

Section 2-1401 The Department of Public Welfare shall be responsible for preparing plans and procedures for providing congregate care during an emergency. Included is the responsibility for providing Congregate Care Service Chiefs for State and Regional Emergency Operating Centers.

PART XV — STATE ENERGY AGENCY

Section 2-1501 The State Energy Agency shall assist the Division of Emergency Services in developing a plan for the emergency management of all energy resources in the State during a national emergency. The Agency shall provide staff and relevant information to the Division of Emergency Services for the energy service of the State.

PART XVI — DEPARTMENT OF ECONOMIC DEVELOPMENT

Section 2-1601 The Department of Economic Development will be in charge of the essential services and be responsible for emergency industrial production, and shall prepare plans and procedures for controlling this production from State and Regional Emergency Operating Centers in coordination with the Business and Defense Service Administration of the United States Department of Commerce.

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Section 2-1602 The Department of Economic Development is responsible for providing staffing support to the Economic Stabilization Service in disaster operations.

PART XVII — ATTORNEY GENERAL

Section 2-1701 The Attorney General shall be responsible for providing legal advice and opinions for State emergency operations as Chief of Legal Services at the Emergency Operating Center.

Section 2-1702 The Attorney General shall perform legal advisory functions to include preparing and reviewing proclamations and special regulations as issued by the Governor in a national emergency.

PART XVIII — DEPARTMENT OF PERSONNEL

Section 2-1801 The Department of Personnel will support the State Employment Services during a national emergency at State and Regional Emergency Operating Centers and will assist in the development of emergency employment utilization plans.

PART XIX — DEPARTMENT OF FINANCE

Section 2-1901 The Department of Finance shall provide staffing for the State and Regional Emergency Operating Centers.

Section 2-1902 The Department of Finance shall appoint the Chief of the Fiscal Services.

Section 2-1903 The Department of Finance shall develop proper plans for Fiscal Services for the State of Minnesota in a national emergency.

PART XX — DEPARTMENT OF VETERANS AFFAIRS

Section 2-2001 The Department of Veterans Affairs has the responsibility for coordinating the utilization of all public fallout shelters and providing a Shelter Division Chief within the Congregate Care Service (means feeding, clothing, and lodging in private and congregate facilities) of State and Regional Emergency Operating Centers in a national emergency.

Executive Order No. 161

Writ of Special Election to Fill Vacancy in the Office of the State Representative of District 35A Within the Counties of Mower, Fillmore, and Olmsted, State of Minnesota, and of Special Primary Election to Nominate Candidates for Said Election

To the People of the State of Minnesota and particularly of the Legislative District 35A within the counties of Mower, Fillmore, and Olmsted; to the Secretary of the State of Minnesota; to the County

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Auditors of the above-named counties; to all Election Officials of said District 35A; and to all others who may be concerned — Greetings:

WHEREAS, a vacancy now exists in the Office of State Representative from District 35A of the State of Minnesota, caused by the resignation of the Representative, the Honorable Neil S. Haugerud, and

WHEREAS, a special election to fill said vacancy is necessary:

NOW, THEREFORE, I RUDY PERPICH, AS GOVERNOR OF THE STATE OF MINNESOTA, acting under the authority and direction of the Minn. Constitution Art. IV, § 4, and Minn. Stat. §§ 202A.61 to 202A.71 (1976), as amended, and other relevant statutes, do hereby direct:

1. That a special election to fill the vacancy be held in Legislative District 35A on Saturday, the 10th day of December 1977.
2. That a special primary election for the nomination of candidates for the office be there held on Saturday, the 26th day of November 1977.
3. That affidavits of candidacy must be duly filed on or before Saturday, the 19th day of November 1977, and petitions of candidacy before Saturday, the third day of December 1977.
4. That the notices of this special election and special primary election be given, that the nomination and election of candidates and the conduct of these elections be had and all things pertaining thereto be done as provided by Minn. Stat. §§ 202A.61 to 202A.71 (1976), as amended, and other applicable provisions of law.

IN WITNESS WHEREOF, I hereunto set my hand at the Capitol, in the City of Saint Paul, Minnesota, this eighth day of November 1977.



RULES

Board of Accountancy Continuing Professional Education for and Professional Conduct of Certified Public Accounts

The rules published at *State Register* Vol. 1, No. 52, p. 1848, July 5, 1977 (1 S.R. 1848) are adopted and are identical in every respect to their proposed form, with the following amendments:

Chapter Sixteen: Continuing Education.

Accy. 160 Continuing education rules.

B.2. Continuing education programs requiring attendance will qualify only if:

D.2.b. Credit hours granted — general

Continuing education credit will be given for whole hours only, with a minimum of 50 minutes constituting one hour. As an example, 100 minutes of continuous instruction would count for two hours, however, more than 50 minutes but less than 100 minutes of continuous instruction would count only for one hour. A one day program qualifying for 8 hours of credit is any program the duration [[timing]] of which is equivalent [[requires participants]] to [[be absent from their work for]] a normal working day. Travel time cannot be claimed.

Cable Communications Board Variances, Rulemaking, Contested Cases, Delegation of Authority, Definitions, Renewal of a Certificate of Confirmation, Franchise Procedures, Standards and Amendments, Interconnection, Cable System Report to Board, and Cable Service Territories

The Minnesota Cable Communications Board adopted MCCB 56 and revisions to MCCB 2, 64, 76, 77, 111, 136, 166, 167, 168, 170, 171, 201, and 225, and repealed

MCCB 46-55, 61-62, 65-75, and 80, relating to: definition, rulemaking, contested cases, franchise procedures and amendments, interconnection, cable system report to Board, and cable service territories, on August 19, 1977. The Board adopted MCCB 91 and 113, and revisions to MCCB 20, 99, 103, 112, 121, and 134, relating to variances, delegations of authority, renewal of a certificate of confirmation, franchise renewal procedures, and franchise standards on September 16, 1977. The rules are identical to those printed in the *State Register*, May 16, 1977, Volume 1, No. 45, pp. 1633-1649, with the following amendments.

MCCB 103 Renewal of a certificate of confirmation. Upon expiration of its certificate of confirmation or the renewal of its cable communications franchise, a cable communications company must obtain renewal of its certificate of confirmation. The renewal of any certificate of confirmation shall be issued only after compliance with MCCB 121. [[A certificate of confirmation being renewed because of the renewal of a cable communications franchise must also be in compliance with MCCB 112.]] **The [A] renewal of a certificate of confirmation shall be issued only after full [Commission] Board proceedings and shall be valid for a period of [five] ten years [.] from the expiration date of the previously issued certificate, except when a certificate is renewed before its expiration date, the term of the renewed certificate shall begin on the date of its issue, and any remaining term of a previously issued certificate shall then be expired.** [A certificate of confirmation is a renewal certificate if it is issued to the same cable communications company, or its successor in interest, for the same cable communications system for which an interim, special or regular certificate of confirmation was previously issued by the Commission.] The procedure for obtaining the [a] renewal of a certificate of confirmation shall be the same as is herein provided for obtaining a regular certificate of confirmation. **Nothing in this rule shall prohibit a cable communications company from renewing its certificate of confirmation prior to the expiration of any existing certificate of confirmation.**

MCCB 112 [Renewal] Franchise renewal.

[(a) A. For purposes of these Rules a franchise is renewed whenever the franchising authority awards a subsequent franchise to the same cable communications company or its successor in interest [after the award of the initial franchise.] **which extends the franchise term beyond its previous termination date.**

[(b) (1) B.1. Three months prior to the expiration of a franchise and to the expiration of a certificate of confirmation, the advisory body created in MCCB 121[(bb)] BB. of these Rules shall submit a report to the franchising authority, to the cable communications system operator and to the [Commission,] **Board**, which report shall include a written appraisal of the performance of the franchisee during the

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franchise term with regard to the provisions of the franchise. The report shall also include recommendations for revised or additional provisions of the franchise, considering at least the following items: channel capacity; channels for access cablecasting; facilities and staff assistance available for access cablecasting; two-way capability; and the need for further service to be extended within the franchised area based upon a reassessment of the communications needs of the persons residing within the franchised area in relation to the services generally offered by the cable industry.

[(b) (2)] **2.** At least six months prior to the expiration of the franchise, franchising authorities which are being served by cable communications systems which are operating under a franchise which expires before May 1, 1979, shall create an advisory body to submit the report to the franchising authority, required by MCCB 112[(b) (1)] **B.1.** of this Rule.

[(c)] **C.** The franchising authority shall commence renegotiation of the franchise at least 30 days prior to the expiration of the franchise in accordance with MCCB 121[(b) (3)] **B.3.** of these Rules, and may proceed with a renewal of the franchise unless the governing body determines not to reissue the franchise to the franchisee or desires to consider additional applicants for a franchise.

[(d)] **D.** The renewal shall be granted only after holding a public hearing thereon with reasonable notice and a reasonable opportunity to be heard. Notice of any such hearing shall be given [[not less than 30 days prior to the hearing]] by publishing [[notice thereof once each week for two successive weeks]] **two notices** in a newspaper of general circulation within the boundaries of the franchising authority. **First publication shall appear not less than 30 days prior to the date of the hearing. Second publication shall appear not less than 15 days prior to the hearing.** The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the franchising authority.

[(e)] **E.** If the franchising authority determines that additional applicants are to be sought, the franchising authority must follow the procedure prescribed in MCCB 111 of this Chapter.

MCCB 201 Operator required to file reports with [Commission] **Board.** A copy of the form entitled [“Annual Report of Cable Television Systems” (FCC Form 325) and a copy of the form entitled] “Cable Television Annual Financial Report” (FCC Form 326) shall be filed annually with the [Commission,] **Board,** by every cable communications company for each cable communications system

operating in the State of Minnesota, substantially at the same time as the [reports are] **report** is filed with the Federal Communications Commission. The [Minnesota State Commission] **Board requires an annual report of cable system data from each system operator which is due on the first of May of each year and the Board** may require such additional information **and supporting documentation** to be filed at such time and in such form as the [Commissioner] **Board** [shall be resolution determine.] **may deem appropriate.**

Board of Cosmetology Amendments to the Rules of the Board of Cosmetology

The rules published at *State Register* Vol. 2, No. 1, p. 35, July 11, 1977 (2 S.R. 35) are adopted and are identical in every respect to their proposed form, with the following amendments:

Chapter One MSBC 1-19: Approved Beauty Culture.

MSBC 1 Remains unchanged.

MSBC 2 Sanitation. In the conduct and operation of a hair-dressing and beauty culture school the following rules shall be complied with:

[(a)] **A.** All premises and contents thereof shall be maintained in a clean and sanitary condition.

[(b)] **B.** Hair brushes, combs and any and all instruments used must be cleaned and sterilized after using on each person, **and kept in a sterilized closed container.**

[(c)] **C.** At least six combs and [three] **six** brushes are required for each student in attendance.

[(d)] **D.** Each school must have at least one covered wet sterilizer of a size to completely immerse objects being sterilized; and at least one dry sterilizer to store sterilized equipment until used.

[(e)] **E.** Any recognized germicide may be used in a wet sterilizer such germicide to be used according to the manufacturer's directions. Germicide fumigant or an ultra violet ray germicidal tube must be used in the dry sterilizer.

[(f)] **F.** A freshly laundered towel, or a paper neck strip, shall be placed around the neck of the person to prevent the protective covering from touching the skin.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

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[(g)] **G.** All receptacles containing solutions, creams, powder, **brushes, combs,** or other supplies used in a school, shall be capped or covered when not in use.

[(h)] **H.** Wave set, or waving lotion, must be dispensed from shakers, or other closed necked bottles.

[(i)] **I.** Creams and semi-solid substances must be removed from their containers with a sterile spatula. Powder must be dispensed from a shaker and applied with sterile cotton. [All lotions must be applied with sterile cotton.]

[(j)] **J.** Each student must wash his hands with soap and hot water before rendering any service. Fingernails must be kept clean and short as practicable.

[(k)] **K.** All [male and female] students must wear clean washable uniforms. **All students shall comply with a uniform dress code adopted by the school. Each school shall adopt a uniform dress code.**

[(l)] **L.** Freshly laundered linen must be used for each person rendered service.

[(m)] **M.** Covered containers must be provided for soiled linen. All soiled linen must be placed in container after use.

[(n)] **N.** All clean linen must be stored in a clean closed cabinet.

[(o)] **O.** Adequate toilet facilities shall be provided and kept in a clean sanitary manner. When both sexes are enrolled in a school, separate toilet facilities shall be provided for both men and women.

[(p)] **P.** No student will be permitted to attend school or work on a customer while afflicted with any contagious or infectious disease.

[(q)] **Q.** All cotton and hair nets to be used in a school shall be kept in separate covered containers. Cotton to be used only once and then discarded.

[(r)] **R.** Waste materials shall be kept in suitable receptacles; obsolete and unnecessary articles of equipment shall not be permitted to accumulate on the school premises.

[(s)] **S.** [Rollers. The using of wire mesh rollers with bristle and brush type inserts used in dressing and styling of the hair is prohibited in beauty schools and beauty salon services in the State of Minnesota.] **All rollers shall be kept in containers in a clean and sanitary manner.**

[Justification. It is very difficult to keep them in a sanitary condition. Unless you keep them in a sanitary condition, the

accumulation of hair, dandruff, lint, dust, and dirt will lead to the spreading of germs, disease, lice, etc. It has been our experience that the schools and salons will not do the necessary work to keep them in a sanitary condition.]

MSBC 3 Plan of operation.

[(a)] **A.** Listed below are the points which are to be covered in a plan of operation:

- (1) Floor Plan.
- (2) Complete statement of facilities and accommodations.
- (3) Maximum student enrollment.
- (4) Daily and weekly class schedule.
- (5) Daily and weekly [class] business hours of school.
- (6) [Number of hours] **A minimum of 240 hours of preclinic training prior to practical work on floor.**
- (7) Price list of charges to be made to the public for all student work.
- (8) Student school rules.
- (9) Class divisions schedule accordingly.
- (10) How students records are kept (procedure).
- (11) Students recruiting plan.
- (12) Other details of operation not included in above.

[(b)] **B.** No plan of operation of a beauty culture school shall be changed without first notifying the State Board in writing of such contemplated change. The use of any plan or operation unsatisfactory to the State Board for any substantial reason shall be grounds for revocation or suspension of the school's Certificate of Approval.

MSBC 4 Instructors.

[(a)] **A.** Persons who desire to instruct in approved schools of beauty culture will be registered only after their competency and qualifications have been determined by the State Board.

[(b)] **B.** The teaching schedule for all instructors in beauty schools must be filed with the State Board. Every instructor shall devote the entire time for which he is scheduled to teaching and shall not practice beauty culture

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for compensation during these hours. Any practice by an instructor with the public shall be during hours not scheduled in school and must be done in a registered beauty salon separate from the beauty school.

C. An attendance report for each instructor of each school of cosmetology must be received by the department no later than the tenth working day after the end of each month the school is open for instruction. The instructor attendance report, which shall be signed by the instructor and the owner of the school of cosmetology or his designated representative, shall be submitted to the department on forms furnished by the department.

D. Senior instructors shall comply with a uniform dress code.

[[Justification. This will set an example of professionalism for the students.]]

E. When a change is made in the staff of instructors, written notice must be sent to the Board office within five days.

[[F. Senior instructors shall be required to attend continuing professional education courses as directed by the Board. The Board shall set requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of the continuing professional education or training shall be designed solely to improve professional skills and shall not exceed fifteen hours per year. All requirements promulgated by the Board shall be effective commencing January 1, 1978 or at a later date as the Board shall determine.]]

[[Justification. This will enable the instructor to devote his full time to teaching cosmetology.]]

MSBC 5 Enrollment.

[(a)] **A.** Barbers cannot enroll in a beauty school for a short course. They must enroll for a full beauty course. If the schools take in barbers for short courses the State Board will be compelled to prefer charges against the school for operating contrary to the curriculum as laid down by the Board.

[(b)] **B.** Student registration cards should be mailed to the State Board office on or before the receipt of their first month's record sheet. Student hours will not be recognized until such time as the registration card is received in the State Board office.

[(c)] **C.** Students changing from one school to another. Before registering, a student who has had part training in another school, said student must bring a sworn affidavit as to the hours spent in training in a former school, giving the name of the school and location of same, one copy of affidavit to be immediately sent to the Secretary-Treasurer of the State Board and one copy to be put on file at the school, before said school is permitted to enroll the student.

MSBC 6 Records.

[(a)] **A.** All schools are to keep their record of students hours in the manner prescribed by the State Board.

[(b)] **B.** The schools will be held fully responsible for the completeness, accuracy, and mailing or delivery to the State Board of each month's student daily record sheets. Such record sheets shall be in the State Board office not later than the 10th day of the succeeding month.

[(c)] **C.** All schools shall maintain complete, accurate, and detailed records of all financial transactions showing the amount and source of all income and a record of all disbursements. Such records shall be available for inspection by the State Board during the business hours of the school.

[(d)] **D.** Any school maintaining a professional shop shall be required to make available all school and shop records for inspection by the State Board.

MSBC 7 General.

[(a)] **A.** Students should be given sufficient supplies so that they may properly do their work on patrons.

[(b)] **B.** School equipment should be modern and in good condition and of sufficient quantity so as to meet the needs of students. All equipment should be kept clean.

[(c)] **C.** Students are not to take their kit of tools home to use to practice hairdressing outside of school.

[(d)] **D.** A business telephone, if installed in a professional department of a beauty school must be a separate telephone and not merely an extension of a telephone of the school.

[(e)] **E.** Any individual, firm or corporation who has been issued a Certificate of Approval to operate a beauty culture school shall open and commence the operation of such school within three months from the date of such Certificate of Approval, and failure to so comply shall revoke and cancel such Certificate of Approval.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

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[(f)] **F.** No schools shall engage in false or misleading advertising.

[(g)] **G.** Schools: A school of cosmetology shall not operate a clinic until the school has been licensed and operating for at least ninety days.

Justification. This permits enough time for the student to be properly trained in services of cosmetology before working in the school clinic on the public.

[(h)] **H.** All approved schools of cosmetology must provide a minimum of approximately 25 sq. feet of **work area** for each student in attendance. **This footage shall not include restroom facilities, storage area or office space.**

[[Justification. This would provide adequate space for each student to perform the services required during their training. (This is based on actual shop operations)]]

[(i)] **I.** Each approved school is required to be identified as either a school of cosmetology, beauty school, beauty academy, beauty training center, or any designation whereby the public may be able to distinguish it from a beauty salon. Each approved school is required to have a sign posted in a conspicuous place in the reception area and/or clinic areas which reads as follows: "Beauty School — All work performed by student." Such sign shall be in bold face lettering with the lettering not less than 2½" in height.

[[Justification. This is to distinguish between Beauty Schools and Beauty Salons for the public's information. The sign "Beauty School — All work performed by student" is so the public will know they are not receiving professional work.]]

[(j)] **J.** Schools of cosmetology are prohibited from making false or deceptive promises to students as an inducement to enrollment.

[[Justification. To prevent fraud in inducing students to enroll in beauty schools.]]

K. The Board shall be given six weeks written notice of any change of location.

MSBC 8 Violations.

Violation of any rules or regulations of the State Board shall constitute cause for revocation or suspension of the school's Certificate of Approval.

MSBC 9-19 Reserved for future expansion.

Chapter Two MSBC 20-39: Examinations and Licenses

MSBC 20

[(a)] **A.** Place. Examination to be given in the office of the State Board.

[(b)] **B.** Fee. **The examination fee for operators, manicurists and senior instructors shall cover the cost of the examination.**

MSBC 21 Fee—license. [The examination fee for operators and manicurists covers the cost of licenses for the year in which the examination is given and fee paid.]

A. Applications for examination

1. **Application fees for examination to qualify as an operator, manicurist and senior instructor, shall cover the cost of the examination and are required each time the applicant requests to be scheduled for examination, unless in the opinion of the Board, failure to appear is due to circumstances which justify relief from such requirement; provided, however, that an application which is still pending six months after the date of its receipt by the Board shall be void.**

2. **The fee for examination to qualify as an operator or a manicurist shall be twenty-one (\$21) dollars. The fee for examination to qualify as a senior instructor shall be twenty-five (\$25) dollars.**

3. **The fee for retaking all of the above examinations shall be the same as the initial fee. The fee for retaking the written portion of the operator or the manicurist examination shall be seven and 50/100 (\$7.50) dollars, for the written portion of the senior instructor examination the fee shall be ten (\$10) dollars. The fee for retaking the practical portion of the above examinations shall be seventeen and 50/100 (\$17.50) dollars.**

(b) B. Licenses.

In addition to all other fees for examination as provided in these Rules, the following schedule of fees shall be applicable:

1. **for the initial application to establish a hair dressing and beauty culture school, or an application for change of ownership, the fee shall be two hundred fifty (\$250) dollars;**

2. **for the annual licensing of a school in hair dressing and beauty culture, the fee shall be two hundred fifty (\$250) dollars;**

3. **for the initial application to operate a beauty shop, the fee shall be twenty-five (\$25) dollars.**

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4. for the annual licensing of the beauty shop, the fee shall be fifteen (\$15) dollars.

5. for the initial license and each annual renewal of an operator's license the fee shall be ~~[[nine (\$9) dollars.]]~~ ten (\$10) dollars.

6. for the initial license and each annual renewal of a manicurist's license, the fee shall be ~~[[nine (\$9) dollars.]]~~ ten (\$10) dollars.

7. for the initial license and each annual renewal of a Manager/Operator's license, the fee shall be ~~[[nine (\$9) dollars.]]~~ ten (\$10) dollars.

8. for the initial license and each annual renewal of a Junior Instructor's license, the fee shall be ~~[[nine (\$9) dollars.]]~~ ten (\$10) dollars.

9. for the initial license and each annual renewal of a Senior Instructor's license, the fee shall be ~~[[nine (\$9) dollars.]]~~ ten (\$10) dollars.

10. for the issuance of a duplicate copy of any of the above licenses, the fee shall be five (\$5) dollars.

11. for the issuance of a Certificate of Identification, the fee shall be ~~[[nine (\$9) dollars.]]~~ ten (\$10) dollars.

~~[[12. as an assessment for the payment of expenses relating to the code, the fee shall be one (\$1) dollar.]]~~

13. for the issuance of licenses by comity under the provisions of Minn. Stat. § 155.14, the fee shall be fifteen (\$15) dollars.

14. as a penalty for failure to renew any of the above licenses on or before the deadline date for each license, the penalty shall be two (\$2) dollars,

~~[[c) C. In the event that an applicant fails to comply with the requirements for licensing as a senior instructor, the applicant shall be allowed to apply for a manager/operator's license in the same manner as if he held a current manager/operator's license. In such case, however, the applicant who applies for a manager/operator's license in such manner shall be required to apply for said license within 30 days immediately following the failure to comply with the requirements to renew a senior instructor's license.]]~~

MSBC 22 Completion time.

~~[[a) A. In the conduct of a written examination a definite time will be set in which the examination is to be written.~~

~~[[b) B. Each applicant [shall] will complete [her] the examination in one day.~~

MSBC 23 Application date. The cut off date to accept [to] applicants **shall** be the [Friday] **Wednesday** before the examination starts.

MSBC 24 Models. Every student taking the State Board examination will bring their own model, **who shall be at least sixteen (16) years of age to ensure that the models used will not inhibit an accurate or fair examination of the applicant's abilities.**

~~[[Justification. This will insure that models used will not inhibit an accurate or fair examination of the applicant's abilities.]]~~

MSBC 25 Grading.

~~[[a) A. The passing grade for the practical examination will be 75% of the perfect score.~~

~~[[b) B. The following are alphabetical grades for the numerical percentage grouping:~~

A	100-95
B	95-90
C	90-80
D	80-75
F	74.9

~~[[c) C. Theory marking changes from curve to percentage. (75%)~~

MSBC 26 Out of state students.

~~[[a) A. Out of state students making application for the examination, shall meet the same requirements as Minnesota applicants [and shall be eligible for temporary license.]~~

~~[[b) B. All applications for examination from transferred students whether in or out of state, will not be accepted unless accompanied by the affidavit of schools for transferred hours form.~~

~~[[c) C. All foreign students, regardless of credentials, must be examined.~~

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[(d)] **D.** An applicant who cannot read or write the English language sufficiently to write the written examination **may** be exempt from the written examination and in its place be subjected to an oral one. Before such a person is admitted to such an examination, the applicant must appear before the State Board for questioning to verify to the satisfaction of the State Board that said applicant has received in the country from which he comes, a [an eighth] **tenth** grade school education or equivalent thereof, as required under our law and that he cannot read or write the English language.

MSBC 27 Failing exam.

[(a)] **A.** Any applicant failing to pass the State Board examination may review the same with any member of the State Board. No such examination will be reviewed with anyone but the applicant.

[(b)] **B.** No repeater examinations to be held. Applicants who fail are to take the next monthly examination.

[(c)] **C.** Delinquent operators **or out of state applicants** who [failed] **fail** the State Board examination for an operator's license [will] **may** [not] be required to attend a beauty culture school for further training before taking another examination.

MSBC 28 Reciprocity. In addition to the requirement of M.S. 155.14 an applicant, applying for a license through reciprocity must also comply with the following requirements:

[(a)] **A.** Current license from another state or country.

[(b)] **B.** If the state, territory, or foreign country does not issue a license, **the applicant must show** documentary evidence and proof of having practiced for a period of two years, **one year of which must be within the two years immediately prior to date** of such application.

MSBC 29 Delinquent manager-operator. A delinquent manager-operator, after being reinstated may secure a manager-operator license by filing a request for it, signed before a Notary Public and paying the regular fee. They need not secure the signatures of their manager-operators as their records are on file in the State Board office.

[MSBC 30 Photostat licenses. All photostatic copies of licenses desired by persons wishing to use the same in place of their original Minnesota license, must have a self photo and the Minnesota State Board of Hairdressing and Beauty Culture Examiners seal attached to the copy before it will be considered valid by this Board.]

Duplicates for lost or destroyed licenses shall be

processed in the same manner as the original license for the prescribed fee.

MSBC 31-39 (Reserved for future use)

Chapter Three MSBC 40-59: Beauty Shops

MSBC 40

[(a)] **A.** Before opening a new beauty shop, notice must be sent to the State Board office.

[(b)] **B.** All beauty shops must be inspected before registration is granted.

[(c)] **C.** No shop is permitted to operate without proper registration.

[(d)] **D.** Application for shop registration (form furnished by the State Board) must be filled in by the shop owner/owners, all signatures notarized, and returned to the State Board office with the [\$15.00] **prescribed fee.**

[(e)] **E.** In the event of the transfer of a shop from one owner to another the new owner shall apply for registration in the same manner as if no registration of such shop had existed.

[(f)] **F.** A change of ownership or location requires new registration.

[(g)] **G.** New shops or change of location of a shop must submit a floor plan or shop layout with the application[, one month or] six weeks prior to the opening date so the shop can be inspected and approved before the shop registration is issued.

[(h)] **H.** The registration certificate is not transferable. It is void and must be returned to the State Board office when a change has occurred.

[(i)] **I.** Rented boothspaces in a beauty shop. Persons who rent this space as a booth in a beauty shop, must register same in their own name, pay the [fee of \$15.00] **prescribed fee** and be responsible for the booth and hold a manager-operator license.

[(j)] **J.** Shop registration must be renewed annually on or before June 30th of each year.

(k) Wigs: A wign studio must be licensed as a beauty shop. The dressing of wigs is the practice of hair-dressing, therefore, a person must be a licensed cosmetologist to dress and arrange wigs in a licensed registered salon.

[Justification. We are of the opinion that in order to properly fit, measure for, and style wigs, direct contact with the

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individual is involved. It necessitates combing, brushing, and arranging the person's hair to get the proper measurement and fitting. This can only be done by a licensed person in a properly registered salon. We feel this part of a beauty service and our law, Section 155.08, Hairdressing and Beauty Culture defines this.]

K. A beauty shop and a barber shop may be operated in the same physical area if they are physically separated, the beauty shop area must be properly identified by a prominently displayed sign stating "beauty shop" with letters at least two inches high and the beauty shop area must have a minimum of 120 square feet of area.

MSBC 41 General operation.

[(a)] **A.** Every shop must have a manager-operator in charge at all times.

[(b)] **B.** It is the responsibility of the manager-operator in charge to see that the State Board rules are complied with.

[(c)] **C.** Shop owner or manager-operator in charge are responsible for the following:

(1) All employees licenses to be posted in area in which the operator works.

(2) All employees have their picture attached to their current license.

(3) Hold all employees responsible for their own sanitation and sterilization.

[(d)] **D.** Upon written request to the State Board a shop will be given permission to operate without a manager-operator in charge for a period of twelve days. If an extension is needed it may be granted at the discretion of the State Board.

[(e)] **E.** Licenses of manager-operators or operators may be revoked or suspended for permitting an unlicensed person to work in the shop.

[(f)] **F.** A picture of each operator must be attached to the license and posted in the individual's work area for proper identification.

[(g)] **G.** Certification of Identification cards shall be in the possession of the shop owner or manager at all times except when the work is actually being done outside of the shop. When operator is no longer employed in the shop the owner

or manager-operator must return the card to the State Board office. **The prescribed fee must be paid before a Certificate of Identification card can be issued.**

[(h)] **H.** Manager-Operator, operator and manicurists licenses expire on December 31st of each year. [Notice will be sent to renew, except to manicurists.]

[(i)] **I.** A beauty shop shall not be used for residential purposes.

[(j)] **J.** Additional requirements for a beauty shop in the home:

(1) Shop must have a private entrance.

(2) Shop must have a complete and permanent partition between shop and residential section of house.

(3) The shop is not to be used as a place of residence at any time.

(4) Doors leading from the shop into the living quarters must be kept closed and cannot be left open for heating and ventilation purposes.

(5) The shop to be set up in a room no smaller than 10'x12' for one operator.

(6) Laundry tubs are not to be used in place of a conventional shampoo bowl.

[(k)] **K.** Opening a beauty shop. The location of such hairdressing and beauty culture operation shall comply with local zoning ordinances.

MSBC 42 Sanitation.

[(a)] **A.** All operators will be held responsible for the sanitary condition of their work area.

[(b)] **B.** All operators must present a professional appearance at all times. [Female operators shall wear clean washable uniforms. Male operators shall wear clean washable coat or washable shirt.] **All operators shall wear clean washable wearing apparel which shall satisfy reasonable standards concerning sanitation.**

[(c)] **C.** Each beauty shop must include in its equipment a method of sterilization to completely sterilize all combs, brushes, rollers, tools and equipment used in the beauty shop and keep them in a dry sterilizer to insure sterilization.

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[(d)] **D.** There must be sufficient clean linen on hand at all times, kept clean and free from dust in a closed cabinet.

[(e)] **E.** Linen shall not be used more than once before laundering.

[(f)] **F.** Soiled linen must be put in a covered container.

[(g)] **G.** There must be at least [six] **twelve** combs and **twelve** brushes per operator.

[(h)] **H.** Hair brushes and combs must be cleaned and sterilized after each using.

[(i)] **I.** Wave set lotion must be dispensed from a suitable container [that will not admit a comb.]

[(j)] **J.** Powder must be dispensed from a shaker.

[(k)] **K.** Creams and other semi-solid substances must be kept in closed containers and removed for use with a clean spatula that does not come in contact with the skin of the patron.

[(l)] **L.** All cotton to be used in a shop shall be kept in a covered container, or in its original package.

[(m)] **M.** Basins, bowls and shampoo boards must be thoroughly cleaned immediately after each service.

[(n)] **N.** No article of any description shall be stored under shampoo bowls, so as to impair the sanitary conditions of the shop.

[(o)] **O.** Unwashable furniture must be covered with clean, washable slip covers.

[(p)] **P.** All furniture and equipment in a shop must be washable. Where the furniture is not washable then washable slip covers must be provided for the furniture.

[(q)] **Q.** A shop must have good ventilation. Where no windows are available for ventilation there must be mechanical means for proper ventilation.

[(r)] **R.** [A wool rug may be used in a beauty shop provided a strip of linoleum, ample in length and width, is used under desserette, chair, and completely covers space in which operator works.] **Floor surfaces shall be maintained in a sanitary manner at all times.**

Chapter Four MSBC 60-79: Code of Fair Trade for the Hairdressing and Beauty Culture Trade of Minnesota

MSBC 60 Declaration of Policy. To effectuate the purposes

and policy of the laws of 1937, ch. 235, the following provisions are established as a Code of Fair Competition for the hairdressing and beauty culture trade for the four Trade areas of the State of Minnesota, which said provisions shall be the standards of fair competition and trade practices throughout said trade areas.

MSBC 61 Trade Areas. Shall include all areas previously and presently established in the State of Minnesota and which geographically comprise all cities and villages within the Constitutional limits of the State.

MSBC 62 Minimum rate of pay.

[(a)] **A.** The provisions of the appropriate minimum wage orders of the Department of Labor and Industry of the State of Minnesota shall govern the wages and hours worked in the hairdressing and beauty culture trade for the trade areas above described. Employees shall in no case be paid at a rate less than that prescribed in the appropriate minimum wage orders lawfully promulgated by the Department of Labor and Industry of the State of Minnesota and which applies during all times such employees are required to be on call upon the premises of the employer.

[(b)] **B.** Any hairdresser not employed by the week, and not paid the weekly rate, who is called for part-time employment shall be guaranteed at least three hours employment at not less than the minimum rate of pay.

MSBC 63 Definition of terms.

[(a)] **A.** The term "Hairdressing and Beauty Culture Trade" as referred to in this code shall include any person or persons engaged in the practices for compensation or reward of any kind in arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or trimming as part of hairdressing or similar work upon the hair of any living person by any means, as well as the use of cosmetic preparations, antiseptics, lotions, tonics or creams aided with the hands or by mechanical or electrical apparatus or appliances used in massaging, cleansing, stimulating, manipulating, exercising or beautifying the scalp, face, arms, bust or upper part of the human body for the purposes of beautification, and the terms of this code shall affect persons owning and operating shops engaged in any or all of the practices above described.

[(b)] **B.** The term "Member of the Trade" shall mean and include any individual, partnership, association, corporation or any form of enterprise engaged in the trade or practice above referred to, either as employer, employee, owner or anyone authorized to act by any of these.

[(c)] **C.** The term "Employer" shall mean and include any person or firm employing or compensating any other person as a hairdresser or beauty culturist as above defined.

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[(d)] **D.** The term "Employee" shall mean and include any person employed to do the work of such hairdresser or beauty culturist as above defined, however compensated.

[(e)] **E.** The term "Permanent Wave" shall mean a service which shall include a shampoo, the spacing, wrapping, processing of the hair, the giving of the fingerwave, the drying of the hair and the combing out thereof.

[(f)] **F.** The term "Beauty Shop" shall mean any room or building in which hairdressing and Beauty Culture Trade is carried on and which is licensed by the Minnesota State Board of Cosmetology.

[(g)] **G.** The term hair trimming or shaping of [women's] hair shall be a service separate and apart from other services, and charged for accordingly.

[MSBC 64 Minimum prices. All code violations must be reported to the Board.]

[Haircut	2.00
Neck Clip	.50
Manicure	1.50
Shampoo and Finger Wave	2.00
Shampoo	1.00
Finger Wave	1.00
Permanent Wave	6.50+Haircut
Bleach Virgin	8.50+Set
Bleach Retouch	6.50+Set
Color Virgin	5.50+Set
Color Retouch	5.00+Set
Extra Toner	5.00
Thirty Day Rinses	2.00+Shampoo and Set
Temporary Rinses	.50
Facial	3.50
Cleanup facial and Makeup	2.00
Lash and Brow Tint	2.50
Eyebrow Arch	1.00
Scalp Treatment	2.00+Shampoo and Set
Instant Conditioner	1.00]

MSBC 65 Unfair trade practices. The following acts or practices by members of the trade shall constitute unfair trade practices and are deemed unfair methods of competition, and persons engaging therein shall be in violation of the code.

(a) [Unfair trade practices: To pay or give away anything of value except as provided by law, exclusive of advertising tokens of no greater value than 50 cents.]

[(b)] To sell or offer to sell any of the services enumerated below the prices established by this code.]

[(c)] To give any combination of services as above enumerated at a price below or less than the sum total of such individual services as established by this code.]

[(d)] To give rebates, refunds, commissions, or discounts to patrons in the form of money or otherwise, or to use partial payment of credit systems to enable patrons to obtain services at prices less than the minimum here prescribed; however, this provision shall not be construed to prohibit the legitimate extension of credit to patrons.]

[(e)] **A.** To substitute or misrepresent materials used in hairdressing or beauty culture.

[(f)] **B.** [To sell or offer for sale any service or product under representation that such service or product is being so sold or offered for sale at a reduced price, if the price at which it is so sold or offered for same is not in fact less in the amount stated, than the price regularly charged by the person for the service or product for sale.] **To represent that any product or service is for sale at a reduced price unless the represented price is actually less than the regular price.**

[(g)] **C.** To make untrue, deceptive, or false statements or representations through advertising of any kind or through any media.

[(h)] **D.** To evade the provisions of appropriate minimum wage orders by the subterfuge of:

- (1) a commission arrangement,
- (2) renting or leasing equipment or space to one or more employees,
- (3) formation of a fictitious partnership with one or more employees.

[[MSBC 66 Assessments for Expenses. All members of trade shall be subject to an assessment of \$1.00 on January 1st of every year. Any organization employing such member of the trade shall be responsible for collection of such assessment and shall be authorized to withhold same from the wage or salary of such member of the trade. Failure of such member of the trade to pay such assessment shall automatically incur suspension of his right to engage in the trade or practice and render him subject to all of the penalties imposed for violation of the code.]]

MSBC 67-79 (Reserved for future use)

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

Energy Agency Natural Gas Utilities and Interstate Natural Gas Pipeline Companies Information Reporting

The following rules were published in their proposed form at Vol. 1, *State Register*, No. 46, p. 1666, May 23, 1977 (1 S.R. 1666). These rules are printed here in their adopted form without indication of changes from their proposed form.

EA 301 Purpose.

A. The purpose of these rules is to implement the forecasting, statistical and informational reporting requirements of Minn. Stat. §§ 116H.10 and 116H.11. These rules are adopted pursuant to the powers of the director conferred by Minn. Stat. §§ 116H.08 (a), and are designed to identify emerging energy trends based on supply and demand conservation and public health and safety factors and to determine the level of state-wide and service area energy needs.

B. Each gas utility serving ultimate consumers in the State of Minnesota and each interstate gas pipeline company serving any gas utility located in the State of Minnesota or ultimate consumers in the State shall submit the information required by these rules to the director in the form specified by him.

Any entity which is both a gas utility company and an interstate gas pipeline company shall file one report on its pipeline operations and one report on its utility operations.

EA 302 Definitions. For purposes of these rules, the following definitions shall apply:

- A. "Agency" means the Minnesota Energy Agency;
- B. "Annual gas consumption" means the total amount of gas used or disposed of in Minnesota for all purposes by either a gas utility or interstate pipeline company. This definition shall not include natural gas in storage at the end of the reporting year;
- C. "Annual sales to ultimate consumers" means gas sales to end-use customers in a utility's or pipeline company's Minnesota service area;
- D. "Basic forecast" refers to that more elementary, less documented forecast required of all Minnesota gas utilities. While all utilities must file a basic forecast, only specifically designated utilities must, in addition, file an extended forecast which requires additional data and greater documentation;

- E. "Construction" means any significant physical alteration of a site to install or enlarge a large energy facility but shall not include activities incident to preliminary engineering or environmental studies;
- F. "Curtailement" means a reduction or cutoff of supply to firm or interruptible customers which is related directly to deficiencies in gas supply;
- G. "Design day" means the 24-hour period of the greatest theoretical gas demand at a given 24-hour average temperature;
- H. "Design day availability" means the volume of each type of gas available on the design day and the maximum total volume of such supplies;
- I. "Director" means the director of the Minnesota Energy Agency;
- J. "Firm contract customers" means customers served under schedules or contracts which neither anticipate nor permit interruption;
- K. "Gas" means any form of gaseous fuel distributed as a vapor through distribution systems to ultimate consumers including natural gas and all gaseous fuels equivalent in performance to natural gas.
- L. "Gas volume" means the volume of gas as measured at 14.73 psia at 60° Fahrenheit. All volumes shall be in thousands of cubic feet (MCF) unless otherwise stated;
- M. "Interruptible contract customers" means customers served under schedules or contracts which anticipate or permit interruption of service during the term of the contract;
- N. "Large energy facility" means any pipeline for transporting natural or synthetic gas at pressure in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to Minn. Stat. § 84.57;
- O. "Last calendar year" means the calendar year immediately preceding the year in which reports are required to be filed;
- P. "Liquefied natural gas" means natural gas stored as a liquid at or near atmospheric pressure at a temperature of approximately -260° Fahrenheit;
- Q. "Minnesota service area" means the geographical area within the State of Minnesota where a gas utility or interstate pipeline company serves ultimate consumers. The Minnesota service area for an interstate

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pipeline company shall also include all Minnesota utilities which it services;

- R. "Natural gas" means a naturally occurring mixture of hydrocarbons and nonhydrocarbon gases found in porous geologic formations beneath the earth's surface, the principal constituent of which is methane;
- S. "Peak day" means the 24-hour period of greatest gas send-out;
- T. "Interstate gas pipeline company" means an entity which operates an interstate gas pipeline which provides gas to any utility located in Minnesota (also referred to in these rules as "pipeline company" or "interstate pipeline company");
- U. "Substitute natural gas" means any gaseous fuel equivalent in performance to natural gas which is created from other gases, liquids, or solid hydrocarbons. Substitute natural gas shall include manufactured gas, gas produced from liquid petroleum gases, such as propane, butane, and gas produced from naphtha. Whenever the term synthetic gas is used within these rules it shall be construed to mean the same as substitute natural gas.
- V. "Ultimate consumer" means end-use customers who do not sell gas for resale;
- W. "Utility" means any entity in Minnesota whose primary business is the distribution of gas to ultimate consumers including, but not limited to, a private investor-owned utility or a public or municipally owned utility.

EA 303 Registration. Each gas utility serving ultimate consumers and each interstate gas pipeline company serving any utility in Minnesota must file a registration statement with the director. Any utility or interstate pipeline company which commences operation in the state after June 1, 1975, shall file a registration statement with the director within 30 days after commencing operation. Each registration statement shall be on forms issued by the director and available from the Agency and shall contain the name and headquarters address of the utility or interstate pipeline company, the names and addresses of all officers of the utility or interstate pipeline company, and the name, address and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

EA 304 Reporting dates.

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A. Gas utilities.

1. Except as provided by the director or in these rules, each utility shall file with the director the information required by EA 303, 305, 306, 307, 309, and 313 by November 1, 1977, and by July 1 of each year thereafter.
 2. Except as provided by the director, each utility shall file with the director the information required by EA 311 on a quarterly basis as follows:
 - a. the information for the period of January 1 to March 31 shall be filed by April 30;
 - b. the information for the period of April 1 to June 30 shall be filed by July 31;
 - c. the information for the period of July 1 to September 30 shall be filed by October 31;
 - d. the information for the period of October 1 to December 31 shall be filed by January 31 of the following year.
- B. Interstate gas pipeline companies. Except as provided by the director, each interstate pipeline company shall file with the director the information required by EA 305, 308, 310, and 312 by July 1 of each year.

EA 305 Federal reports filed by gas utilities and interstate gas pipeline companies. Each utility and interstate pipeline company shall identify to the director all forms and reports pertaining to gas supply and demand which it regularly files with the Federal Power Commission, Bureau of Mines and other federal agencies. Upon request of the director, any utility or pipeline company shall make copies of any forms or reports available to the director.

EA 306 Basic forecasts and current statistics for gas utilities.

- A. Each gas utility shall submit annually to the director for the last calendar year, the present calendar year, the subsequent first five, tenth and fifteenth years, actual data and forecasts of anticipated annual gas consumption and supply.
- B. The basic forecast and current data shall contain the following data for each year cited in rule EA 306 A:

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1. Annual sales to ultimate consumers within the utility's Minnesota service area;
 2. The annual volume of gas delivered or expected to be delivered to other utilities for resale;
 3. The annual volume of gas used in the operation of the utility within its Minnesota service area;
 4. The annual volume of gas used in the utility's Minnesota service area but unaccounted for in EA 306 B 1 through 3;
 5. The total annual gas consumption, for all purposes, in the utility's Minnesota service area. (total consumption equals items 1+2+3+4=5). Exclude gas held in storage at year's end;
 6. The total annual volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota service area;
 7. The total annual volume of liquefied natural gas supply withdrawn from storage by the utility for use in its Minnesota service area;
 8. The total volume of natural gas withdrawn from underground storage by the utility for use in its Minnesota service area;
 9. The total annual volume of gas received or estimated to be received from the interstate pipeline company for use in its Minnesota service area;
 10. The design day maximum gas demand volume for the utility's Minnesota service area firm customers;
 11. The maximum winter peak day volume of gas sent out or expected to be sent out in the utility's Minnesota service area;
 12. The design day availability of each type of gas and the maximum one-day volume of gas such supplies will provide;
 13. The amount of substitute natural gas the utility can produce from the feedstock it will have in storage at the beginning of the winter heating season for use in its Minnesota service area;
 14. The amount of liquid natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;
 15. The amount of natural gas the utility will have in underground storage for use at the beginning of the winter heating season;
 16. The type and amount of fuel used or to be used in Minnesota to produce substitute natural gas; and
 17. The actual historic data and a forecast of direct sales to ultimate customers and the number of such customers in each of the following categories:
 - a. residential firm;
 - b. commercial firm customers who use less than 200 MCF on peak day;
 - c. commercial firm customers who use 200 MCF or greater on peak day;
 - d. commercial interruptible;
 - e. industrial firm customers who use less than 200 MCF on peak day;
 - f. industrial firm customers who use 200 MCF or greater on peak day;
 - g. industrial interruptible;
 - h. other consumers firm;
 - i. other consumers interruptible;
 - j. own company use;
 - k. unaccounted for gas;
 - l. gas delivered to other utilities for sale, and
 - m. total annual gas consumed in Minnesota (total a-l should equal EA 306 B 5).
- C. For the last calendar year historical data shall be supplied. For each other reporting year, the forecasts shall be made using the utility's or pipeline company's best estimate for each of the items requested. The Agency recognizes 5 to 15 year forecasts can be difficult to calculate and subject to considerable error but utilities shall prepare these forecasts to the best of their ability and knowledge. The forecasts shall be based on those assumptions and factors which the reporting utility deems most likely to occur. The assumptions and factors used in deriving the forecasts shall be stated in writing. Each utility shall evaluate the size of the estimating error, given the conditions and factors used in the estimate. Each utility shall

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comment on possible deviations from the forecast and what factors might create such changes. Any utility required to file an extended forecast pursuant to rule EA 307 need not file forecast documentation required in rule EA 306 C.

EA 307 Extended forecast and documentation.

A. The following utilities must file an extended forecast with documentation: Minnesota Gas Company, North Central Public Service Company, Northern States Power Company, and Peoples Natural Gas Company. Each utility required to file its extended forecast pursuant to rule EA 307 shall identify or estimate the demand for gas by ultimate consumer categories listed in rule EA 306 B 17 on the peak send-out day for each of the reporting years cited in the rule EA 306 A.

B. Forecast documentation for rule EA 306 and 307 A.

1. Forecast methodology. Each utility may use whatever forecast methodology it believes is most appropriate for its Minnesota service area. However, those utilities required under rules EA 306 and 307 A to file forecasts shall describe the forecast methodology employed by providing the following documentation:

- a. the overall methodological framework used;
- b. the specific analytical techniques used, their purpose, and the component(s) of the forecast to which they have been applied;
- c. the manner in which these specific techniques are related in producing the forecast;
- d. where statistical techniques have been used, the purpose of the techniques, typical computations (e.g., computer printouts, formulas used), specifying variables and data and the results of appropriate statistical tests;
- e. forecast confidence levels or ranges of accuracy for annual peak demand and annual gas consumption;
- f. a brief analysis of the methodology used, including its strengths and weaknesses, its suitability to the utility's service area, cost considerations, data requirements, past accu-

racy and any other factors considered significant by the utility, and

- g. an explanation of any discrepancies between the forecasts presented by the utility and forecasts submitted in past years.
2. Data base for forecasts. The utility shall provide a written discussion of the data base used in arriving at the forecast presented in rules EA 306 and 307 A including:
- a. a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how it was obtained, (e.g., monthly observations, billing data, consumer survey, etc.) or a citation to the source (e.g., population projection from the state demographer); and
 - b. a clear explanation of any adjustments made to raw data to adapt them for use in forecasts, including the nature of the adjustments, the reasons for the adjustments and the magnitude of the adjustments.
3. Assumptions and special information

- a. Discussion. The utility shall discuss in writing each essential assumption made in preparing the forecasts, including the need for the assumption, the nature of the assumption, and the sensitivity of forecast results to variations in the essential assumption.
- b. Subject of assumption. The utility shall discuss the assumptions made regarding the availability of alternative sources of energy, any expected conversion from other fuels to gas or vice versa, future prices of gas for customers in the utility's Minnesota service area and the effect that such price changes will likely have on demand, the assumptions made in arriving at any data requested in EA 306 or 307 A which are not available historically or not generated by the utility in preparing its own internal forecast, the effect of existing energy conservation programs under federal or state legislation or long-term gas demand, the projected effect of new conservation programs which the utility deems likely to occur through future state and fed-

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eral legislation on long-term gas demand, and any other factor considered by the utility in preparing the forecast.

EA 308 Basic forecast and current statistics for interstate gas pipeline companies.

A. Each interstate pipeline company shall annually submit to the director for the last calendar year, the present calendar year and the subsequent first five, tenth and fifteenth years, actual data and forecasts of anticipated annual Minnesota service area consumption and supply of natural gas.

B. The basic forecast and current data report shall contain the following data for each year cited in rule EA 308 A:

1. The annual sales to Minnesota gas utility distribution companies for resale;
2. The maximum one-day amount of gas that must be provided to the Minnesota service area to meet contractual obligations to the gas utilities served.

C. In meeting the requirements of EA 308 A, historical data for the last calendar year shall be supplied. For each other reporting year the forecasts shall be made using the interstate pipeline company's best estimate for each of the items. The Agency recognizes 5 to 15 year forecasts can be difficult to calculate and subject to considerable error, but interstate pipeline companies should prepare these forecasts to the best of their ability and knowledge. The forecasts shall be based on those assumptions and factors which the reporting utility deems most likely to occur. The assumptions and factors used in deriving the forecasts shall be stated in writing. Each interstate pipeline company shall evaluate the size of estimating error possible given the conditions and factors used in the estimate. Each utility company shall comment on possible deviation from the forecast and what factors might create such changes.

EA 309 Facility requirements for gas utility companies.

A. Present facilities. Each gas utility shall provide the following information with regard to existing facilities serving its Minnesota service area as of January 1 of the current year:

1. The name and geographic location of all underground storage facilities for natural gas. For each facility include:
 - a. the total storage capacity of the facility in MCF minus the required reserves of gas;
 - b. the actual volume of gas in storage in MCF at

the beginning of the winter heating season not including required reserves of gas;

- c. the maximum single-day withdrawal capacity of the facility in MCF; and
- d. the anticipated facility retirement date.

2. The name and geographic location of all liquefied natural gas facilities. For each facility include:

- a. the total storage capacity of the facility in MCF of natural gas minus the required reserves;
- b. the actual equivalent volume in MCF of natural gas in storage in the facility at the beginning of the winter heating season minus the required reserves;
- c. the maximum single-day withdrawal capacity of natural gas in MCF; and
- d. the anticipated facility retirement date.

3. The name and geographic location of all substitute natural gas facilities. For each facility include:

- a. the maximum storage capacity of the substitute natural gas facility in converted MCF of substitute natural gas;
- b. the volume in storage at the beginning of the winter heating season in MCF;
- c. the maximum single-day production capacity in MCF that can be injected into the utility's pipeline;
- d. the anticipated facility retirement year; and
- e. the type of fuel to be converted to substitute natural gas.

4. A map, on which the general scale is indicated, of the utility's Minnesota service area, identifying municipalities served, substitute natural gas facilities, underground natural gas storage facilities, liquefied natural gas facilities, major distribution lines, interconnections with other utilities and delivery points with interstate pipeline companies.

B. Future facility requirements. Each utility shall estimate the additional facilities or additions to existing

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facilities necessary to meet the level of gas consumption predicted in its forecast in EA 306. Each utility shall supply the following information:

1. The name and geographic location of all new underground natural gas storage facilities or additions to existing facilities. For each facility include:
 - a. the anticipated year and month the facility will be ready for operation;
 - b. the estimated storage capacity of the new facility in MCF minus necessary reserves that must be kept in storage;
 - c. the estimated actual storage in MCF of the volume that will be available for usage at the beginning of each heating season. This figure should not include necessary reserves of gas; and
 - d. the maximum single-day withdrawal capacity of the proposed facility.
2. The name and geographic location of all new liquefied natural gas storage facilities or additions to existing facilities. For each facility include:
 - a. the anticipated year and month the facility will be ready for operation;
 - b. the estimated storage capacity in equivalent MCF of natural gas of the new facility minus reserves that must be kept in storage;
 - c. the estimated actual storage in equivalent MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation; and
 - d. the maximum single-day withdrawal capacity of the proposed facility.
3. The name and geographic location of all new substitute natural gas facilities or additions to existing facilities. For each facility include:
 - a. the type of fuel which will be converted to substitute natural gas;
 - b. the month and year in which the plant is predicted to begin operation;

- c. the storage capability of the facility in equivalent MCF of substitute natural gas;
- d. the estimated actual storage in equivalent MCF of substitute natural gas that will be available for use at the beginning of each heating season when plant begins operation; and
- e. the maximum daily volume of substitute natural gas that can be produced by the facility and injected into the utility's system.

EA 310 Facility requirements for interstate pipeline companies.

A. Present facilities. Each interstate pipeline company shall provide the following information with regard to existing facilities serving its Minnesota service area as of January 1 of the current year:

1. The name and geographic location of all underground storage facilities owned, operated or leased by the interstate pipeline company in Minnesota. For each facility include:
 - a. the total storage capacity in MCF of the facility minus the required reserves of gas;
 - b. the actual volume of gas in storage in MCF at the beginning of the winter heating season, not including required reserves of gas;
 - c. the maximum single day withdrawal capacity of the facility in MCF; and
 - d. the anticipated facility retirement date.
2. The name and geographic location of all liquefied natural gas facilities owned, operated or leased by the interstate pipeline company in Minnesota. For each facility include:
 - a. the total storage capacity of the facility in MCF of natural gas minus required reserves;
 - b. the actual volume of natural gas in MCF in storage at the beginning of the winter heating season minus the required reserves;
 - c. the maximum single day withdrawal capacity in MCF of natural gas; and
 - d. the anticipated facility retirement date.

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3. The name and geographic location of all substitute natural gas facilities owned, operated or leased by the interstate pipeline company in Minnesota. For each facility include:
 - a. the maximum storage capacity of the facility in MCF of converted substitute natural gas;
 - b. the maximum volume in storage in converted MCF of substitute natural gas at the beginning of the winter heating season;
 - c. the maximum single day withdrawal capacity of the facility in MCF that can be injected into the pipeline;
 - d. the anticipated date of facility retirement; and
 - e. the type of fuel to be converted to substitute natural gas.
 4. A map, on which the general scale is indicated, of the utility's Minnesota service area identifying distribution utility companies served, underground natural gas storage facilities, underground liquid natural gas facilities, substitute natural gas facilities, major transmission lines, and interconnection with other interstate pipeline companies.
- B. Future facility requirements. Each interstate pipeline company shall estimate the additional facilities or additions to existing facilities necessary to meet the level of gas consumption predicted in its forecast in EA 308. Each interstate pipeline company shall supply the following information regarding its own planned or projected operations or facilities:
1. The name and geographic location of all new underground natural gas storage facilities or additions to existing facilities. For each facility include:
 - a. the anticipated year and month the facility will be in operation;
 - b. the estimated storage capacity in MCF of the new facility minus necessary reserves of gas;
 - c. the estimated actual storage in MCF that will be available for usage at the beginning of each heating season, not including necessary reserves of gas; and
 - d. the maximum single-day withdrawal capacity of the proposed facility.
 2. The name and geographic location of all new underground liquefied natural gas storage facilities or additions to existing facilities. For each facility include:
 - a. the anticipated year and month the facility will be ready for operation;
 - b. the estimated storage capacity in converted MCF of natural gas of the new facility minus any necessary reserves that must be kept in storage;
 - c. the estimated actual storage in converted MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation, not including necessary reserves that must be kept in storage; and
 - d. the maximum single-day withdrawal capacity of the proposed facility in converted MCF of natural gas.
 3. The name and geographic location of all new substitute natural gas facilities or additions to existing facilities. For each facility include:
 - a. the type of fuel which is to be converted into substitute natural gas;
 - b. the month and year in which the plant is predicted to begin operation;
 - c. the theoretical storage capability of the facility in MCF of converted substitute natural gas;
 - d. the estimated actual storage in converted MCF of substitute natural gas that will be available at the beginning of each heating season not including required reserves; and
 - e. the maximum daily volume of substitute natural gas in MCF that will be available to be withdrawn from the facility and injected into the pipeline.
 4. Based on your 15-year forecast, provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, any additional distribution utility companies to be served and any additional interconnections with other interstate natural gas pipeline companies.
- EA 311 Quarterly disposition of gas by utilities.
Beginning in the year 1976, all utilities shall report quar-

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terly the monthly volume of gas delivered to ultimate consumers, broken down by customer class and geographic area.

- A. Geographic areas shall be defined by county;
- B. Customer class shall be defined by standard industrial classification (SIC) codes;
- C. In each customer class and geographic area combination, the utility shall report the number of customers and the total gas volume consumed;
- D. Said information shall be in the form determined by the director. Upon written application, the director may allow a utility to report said information in a different form.

EA 312 Disposition of gas by interstate pipeline companies.

Each interstate pipeline company shall file a copy of its annual FPC forms 2 and 16 with the Agency.

EA 313 Other information to be reported by gas utilities.

- A. An annual load curve for the last calendar year consisting of a single graph and accompanying data table indicating the total monthly consumption of gas in the following classifications:
 1. residential firm;
 2. commercial industrial firm;
 3. small volume interruptible;
 4. large volume interruptible;
 5. electric generation;
 6. gas to storage;
 7. other dispositions and losses; and
 8. level of contract demand;
- B. Any additional municipalities or geographic areas outside the utility's current service area which it expects to serve and the year when service will begin.
- C. A list of customers who will be curtailed or completely phased out in the five years following the year of filing;

- D. The criteria used to determine the classification of a customer as a firm or interruptible customer;
- E. Its total sales in MCF to ultimate customers by county for the last calendar year;
- F. For the last calendar year provide a list of customers and their addresses:
 1. Who have gas requirements in excess of 200 MCF on their peak day each year. For each customer so identified list:
 - a. annual actual sales;
 - b. annual estimated curtailment;
 - c. annual estimated requirements (sum of a and b should equal c);
 - d. alternative fuel used; and
 - e. curtailment priority rank.
 2. Who are small volume interruptible users. For each small volume interruptible user identify the volume of gas consumed during the last calendar year and the curtailment priority rank.
 3. Who are firm customers and consume 6,000 MCF or greater annually. For each customer so identified list the volume of gas consumed during the last calendar year and the curtailment priority rank.

EA 314 Corrections. Corrections of a substantial nature to any report or statement which pertain to historical data and not forecasts shall be filed with the Agency within 10 days following the date of the event prompting the change in reported information or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph of the information to be changed or corrected.

EA 315 Federal or state data substitution for energy agency data requirements. Upon written request by any utility, the director may allow it to substitute data provided to the federal government or another state agency in lieu of data required by these regulations if the data required by both agencies is substantially the same.

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**Department of Health
Division of Environmental
Health**

**Public Water Supplies and Water
Haulers, and Repeal of
Miscellaneous Rules**

The rules published in the *State Register* Vol. 1, No. 48, p. 1732, June 6, 1977 (1 S.R. 1732) are adopted and are identical in every respect to their proposed form, with the following amendments:

— Substitute “commissioner” for “board” or “State Board” wherever these terms appear in MHD 145 A, 145 B, 146 A, 146 B, 147, 148, 149 B, 149 C, 149 D, 150 A, 150 B, 150 F, 150 G.

MHD 145 B. Definitions:

B.1. [[“Board”]] “**Commissioner**” means the [[state board]] **commissioner** of health, or [[any]] **his or her** authorized representative [[thereof]];

[[2.]] [[a. “Community water supply means a public water supply or system which serves 15 service connections or living units used by year-round residents, or regularly serves an average of 25 year-round residents;]]

[[b. “Non-community water supply” means any public water supply that is not a community water supply. The following are given as examples of non-community water supplies and are in no way meant to be an exhaustive list: seasonal facilities such as children’s camps, recreational camping areas, resorts, or year-round facilities which serve more than 25 persons who are not residents thereof, such as churches, entertainment facilities, factories, gasoline service stations, marinas, migrant labor camps, office buildings, parks, restaurants, schools;]]

2. [[3.]] “Dose equivalent” means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU);

3. [[4.]] “Exemption” means a waiver which may be granted by the [[board]] **commissioner** to a supply

- which is in operation on June 24, 1977;
- when a maximum contaminant level or required

treatment cannot be complied with because of economic or other compelling factors, and

— if granting the waiver will not result in an unreasonable risk to health.

Such [[a waiver]] **an exemption** must be conditioned upon a schedule for compliance with these rules by the dates specified in MHD 148 B.8 and 9.

4. [[5.]] “Federal Act” means the Safe Drinking Water Act of 1974, P.L. 93-523, 42 U.S.C. 300 f, and amendments thereto;

5. [[6.]] “Federal Regulations” means regulations dealing with public water supplies and drinking water quality, promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Act.

6. [[7.]] “Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample;

7. [[8.]] “Gross beta particle activity” means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample;

8. [[9.]] “Man-made beta particle and photon emitters” means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238;

9. [[10.]] “Maximum contaminant levels” means the maximum permissible level of a contaminant (any physical, chemical, biological, or radiological substance or matter) in water which is delivered to the free flowing outlet of the ultimate user of a public water supply; except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except for those resulting from corrosion of piping and plumbing caused by water quality are excluded from this definition;

10. [[11.]] “Person” means an individual, partnership, copartnership, cooperative, public or private association or corporation, public subdivision, agency of the state or federal government or any other legal entity or its legal representative, agent or assigns;

11. [[12.]] “Picocuri (pCi)” means that quantity of radioactive material producing 2.22 nuclear transformations per minute;

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12. [[13.]] "Public water supply" (**supply**) means a system providing piped water for human consumption, and either containing a minimum of 15 service connections or 15 living units, or serving **at least** [[an average of]] 25 persons daily for 60 days of the year. Such term includes (A) any collection, treatment, storage, and distribution facilities under control of the operator of the supply and used primarily in connection with the supply, and (B) any collection or pretreatment storage facilities used primarily in connection with the supply but not under control of the operator. A public water supply is either a community or a non-community water supply [[.]]; ;

a. "Community water supply" means a public water supply or system which serves 15 service connections or living units used by year-round residents, or regularly serves [[an average of]] at least 25 year-round residents;

b. "Non-community water supply" means any public water supply that is not a community water supply. The following are given as examples of non-community water supplies and are in no way meant to be an exhaustive list: seasonal facilities such as children's camps, recreational camping areas, resorts, or year-round facilities which serve [[more than]] at least 25 persons who are not residents thereof, such as churches, entertainment facilities, factories, gasoline service stations, marinas, migrant labor camps, office buildings, parks, restaurants, schools;

13. [[14.]] "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem" (mrem)" is 1/1000 of a rem;

14. [[15.]] "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water supply for the purpose of evaluating the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water;

15. [[16.]] "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria;

16. [[17.]] "Supplier" means any person who owns, manages, or operates a public water supply, whether or not he is an operator certified pursuant to Minn. Stat. § 115.71, et seq. (1976).

17. [[18.]] "Turbidity unit" means an amount of tur-

bidity equivalent to that in a solution composed of .000125% hydrazine sulfate and .00125% hexamethylenetetramine in distilled and filtered (100 m μ pore size membrane) water, as measured by a nephelometric turbidimeter.

18. [[19.]] "Variance" means a waiver which may be granted by the [[board]] commissioner to a supply

— which, due to the raw water quality reasonably available, cannot comply with a maximum contaminant level, despite application of the best known and available technology for treatment [[, and]] or other means, and

— if granting the waiver will not result in an unreasonable risk to health.

Such a [[waiver]] variance must be conditioned upon a schedule for implementation of control measures, and may specify an indefinite time period for compliance with the maximum contaminant level or required treatment.

19. [[20.]] "Year-round resident" means a person who resides in the area served by the public water supply for more than six months of the year.

MHD 147 Monitoring and analytical requirements:

A. It shall be the responsibility of the supplier of water to monitor the quality of the water in his supply, according to the sampling schedules and testing procedures prescribed in this rule. Where a supplier has the capability for on-site testing for turbidity and/or maintains a laboratory [[certified]] **approved** to test for coliform bacteria, such supplier shall follow the relevant procedures in the appropriate parts of this rule. If [[a certified]] **an approved** on-site laboratory is not available, the supplier of water shall send his water samples to an appropriate [[certified]] **approved** testing laboratory, according to procedures prescribed by the [[board]] commissioner. Such procedures shall be prescribed for each supplier, and shall include a description of the type of container to be used, the manner in which the container shall be handled and delivered to the laboratory, and the date by which a sample must be sent to the [[certified]] **approved** laboratory for testing.

B. Microbiological contaminant sampling and analytical requirements:

1. Analyses for coliform bacteria shall be made for

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the purpose of determining compliance with MHD 146 A. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, [[14th Edition, pp. 913-942]] **13th Edition, pp. 662-688**, except that a standard sample size as referred to below shall be employed;

B. 9. A supplier of water of either a community or non-community water supply may, with the approval of the [[board]] **commissioner** and based upon a sanitary survey, substitute the use of free chlorine residual monitoring for not more than 75 percent of the samples required to be taken by MHD 147 B.2 and B.3. A supplier of water who is allowed to substitute chlorine residual sampling must take such samples at points which are representative of the conditions within the distribution system at the frequency of at least four for each substituted microbiological sample required to be taken by MHD 147 B.2 and B.3. There shall be at least daily determinations of chlorine residual. When the supplier of water exercises the option of substituting chlorine residual samples, he shall maintain no less than 0.2 mg/l free chlorine throughout the public water distribution system. When a particular sampling point has been shown to have a free chlorine residual less than 0.2 mg/l, the water at that location shall be retested as soon as practicable and in any event within one hour. If the original analysis is confirmed, this fact shall be reported to the [[board]] **commissioner** within 48 hours. Also, if the analysis is confirmed, a sample for coliform bacterial analysis must be collected from that sampling point as soon as practicable and preferably within one hour, and the results of such analysis reported to the [[board]] **commissioner** within 48 hours. Analyses for residual chlorine shall be made in accordance with "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 332-334]] **13th Edition, pp. 129-132**. Compliance with the maximum contaminant levels for coliform shall be determined on the monthly mean or quarterly mean basis specified in MHD 146 A. including those samples taken as a result of failure to maintain the required chlorine residual level. The [[board]] **commissioner** may withdraw [[its]] **his or her** approval of the use of chlorine residual substitution at any time.

C. Turbidity sampling and analytical requirements:

1. All public water supplies, whether community or

non-community, which use water obtained in whole or in part from surface sources must be sampled for turbidity. Such samples shall be taken by suppliers at representative points of entry into the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with MHD 146 B. The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, [[14th Edition, pp. 132-134]] **13th Edition, pp. 350-353**, or "Methods for Chemical Analysis of Water and Wastes," pp. 295-298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974. Sampling by community water supplies shall begin before the effective date of these rules. Sampling by non-community water supplies shall begin before June 24, 1979.

2. If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the [[board]] **commissioner** within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds five turbidity units, the supplier of water shall report to the [[board]] **commissioner** as prescribed in MHD 149 B. and shall notify the public as prescribed in MHD 149 D.

D. 3. Analyses conducted to determine compliance with MHD 146 C. shall be made in accordance with the following methods:

b. Barium — Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 143-155]] **13th Edition, pp. 210-215**, or "Methods for Chemical Analysis of Water and Wastes," pp. 97-98, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

c. Cadmium — Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp.

RULES

143-152]] **13th Edition, pp. 210-215**, or "Methods for Chemical Analysis of Water and Wastes," pp. 101-103, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

- d. Chromium — Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 143-152]] **13th Edition, pp. 210-215**, or "Methods for Chemical Analysis of Water and Wastes," pp. 105-106, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.
- e. Lead — Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 143-152]] **13th Edition, pp. 210-215**, or "Methods for Chemical Analysis of Water and Wastes," pp. 112-113, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.
- g. Nitrate — Brucine Colorimetric Method, "Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 427-429]] **13th Edition, pp. 461-464**, or Cadmium Reduction Method, "Methods for Chemical Analysis of Water and Wastes," pp. 201-206, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.
- i. Silver — Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 143-151]] **13th Edition, pp. 210-215**, or "Methods for Chemical Analysis of Water and Wastes," p. 146, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.
- j. Fluoride — Electrode Method, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 391-393]] **13th Edition, pp. 172-174**, or "Methods for Chemical Analysis of Water and Wastes," pp. 65-67, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or Colorimetric Method with Preliminary Distilla-

tion, "Standard Methods for the Examination of Water and Wastewater," [[14th Edition, pp. 389-390, and 393-394]] **13th Edition, pp. 171-172 and 174-176**, or "Methods for Chemical Analysis of Water and Wastes, pp. 59-60, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

F. 3. Analytical methods:

- a. Measurements made to determine compliance with MHD 146 E. shall be made in accordance with the following methods:

- (1) Gross Alpha and Beta — [[Method]] **Section 302 "Gross Alpha and Beta Radioactivity in Water"** Standard Methods for the Examination of Water and Wastewater, [[14]] **13th Edition**, American Public Health Association, New York, N.Y., 1975.
- (2) Total Radium — [[Method]] **Section 304 "Radium in Water by Precipitation"** Ibid.
- (3) Radium-226 — [[Method]] **Section 305 "Radium-226 by Radon in Water"** Ibid.
- (4) Strontium-89.90 — [[Method]] **Section 303 "Total Strontium-90 in Water"** Ibid.
- (5) Tritium — [[Method]] **Section 306 "Tritium in Water"** Ibid.

H. Approved laboratories:

For the purpose of determining compliance with parts A through F of this rule, samples may be considered only if they have been analyzed by a laboratory [[certified]] **approved** by the [[board]] **commissioner**, except that measures for turbidity and free chlorine residual may be performed by any person acceptable to the [[board]] **commissioner**.

MHD 148 A.

4. The [[board]] **commissioner** may grant a variance from a maximum contaminant level upon finding that —

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- a. because of the characteristics of the raw water sources which are reasonably available to the supply, the supply cannot meet the requirements respecting the maximum contaminant levels prescribed in MHD 146 despite the application of the best known and economically feasible technology for treatment or other means, and
- b. The variance will not result in an unreasonable risk to health.

MHD 149 Record maintenance; reporting; public notification.

- A. Record maintenance: Any owner or operator of a public water supply shall retain on ~~[[the]]~~ its premises or at a convenient location near the premises, and shall make available for public inspection, the following records for the specified period of time:
- B. Reporting requirements:
 - 1. All the results of analysis performed on samples which are to be tested pursuant to these rules shall be reported as follows:
 - a. the ~~[[certified]]~~ **approved** laboratory shall submit all analytical results on reporting forms to be prescribed by the ~~[[board]]~~ **commissioner**. These forms shall be prepared in triplicate, with one copy being sent to the supplier, one copy being sent to the State Department of Health, Division of Environmental Health, Section of Public Water Supplies, and the third being retained by the laboratory;
 - b. results of turbidity and chlorine residual measurements shall be submitted by the supplier on the prescribed reporting forms.
- D. 1. f. **fails to comply with an applicable testing method established in MHD 147.**

MHD 150

- B. 3. ~~[[“Board”]]~~ **“Commissioner”** means the ~~[[State Board]]~~ **Commissioner** of Health or ~~[[any]]~~ **his or her** authorized representative ~~[[thereof]]~~;

Department of Public Service

Standards for Commercial Weighing and Measuring Devices

The rules published at Vol. 1, *State Register*, No. 26, page 971, January 5, 1977 (1 S.R. 971), are adopted and are identical in every respect to their proposed form, with the following amendments:

Chapter Four

PSC 120 Excepting the requirements of the final sentence in ‘Scales,’ S.1.6.3. (Customer’s Indications), ~~[[T]]~~the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44-[3d Edition, 1965] **4th Edition, 1976**, are hereby adopted by reference as the standards of the State of Minnesota for such devices. Provided, however, that should the aforesaid Handbook 44 contain any provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Service Commission, Minnesota law or Public Service Commission rule shall govern.

PSC 128 A. ~~[[It shall be the policy of]]~~ ~~[[t]]~~**The Director** ~~[[of Weights and Measures to]]~~ **shall accept voluntary registration of individuals who provide acceptable evidence that they are fully qualified to install, service, repair, or recondition a commercial weighing or measuring device, have a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations and have possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount.**

This ~~[[policy]]~~ **rule** shall in no way preclude or limit the right and privilege of any qualified individual not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device.

PROPOSED RULES

Department of Commerce Insurance Division

Proposed Temporary Rules Establishing the Type Face Style of Print for Matters Covered by Laws of 1977, ch. 347.

Notice of Hearing

The Department of Commerce, Insurance Division, has proposed the following temporary rule establishing the type face style of print mandated for use in insurance policies as required by Laws of 1977, ch. 345, § 7, subd. 7. This rule is promulgated pursuant to Laws of 1977, ch. 443, § 2, subd. 3.

All interested persons are hereby afforded the opportunity to submit data and views for 20 days after publication of this material in the *State Register* on the proposed temporary rule by writing to Mary E. Mahoney, Assistant to the Commissioner of Insurance, Insurance Division, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Such publication is hereby ordered.

Any written material received by the agency shall become part of the hearing record in the final adoption of the temporary rule.

Rules as Proposed

INS 150 Legible type face styles.

A. This rule is promulgated pursuant to Laws of 1977, ch. 345, § 7, subd. 7, which requires the Commissioner to establish by emergency rule a list of type face styles which he will approve as legible and readable in all insurance policies and contracts required to be filed under ch. 345, § 11. The purpose of this rule is to provide insurance policies which are printed in type face styles that are easily readable to the average person.

B. All insurers upon filing shall specify the type face styles used in each policy. The commissioner will consider the following type face styles as being legible:

Aldine
Baskerville
Bodini
Bodini Book

Century
Century Schoolbook
Chelmsford
Copperplate
Clarendon
Fairfield
Futura
Garamond
Gothic
Helios
Helvetica
Journal
Korinna
Modern Roman
Megaron
Melior
Metro
News Gothic
Optima
Press Roman
Pyramid
Schoolbook
Sparton
Theme
Times Roman
Trade Gothic
Univers
Universe

This list is not intended to be exhaustive but is intended solely as an indication of the legibility of a type face style that is required. Any type face style selected that meets the same standard of legibility will be approved. Extreme type styles such as "Old English" or heavy block are not acceptable.

C. Italics, bold face, and contrasting styles may be used to emphasize important or technical terms and for captions. When two or more type face styles are used, they should be visually compatible.

Board of Education

Experimental Programs for Elementary and Middle Schools; Pre-school Health and Developmental Screening

Notice of Hearing

Notice is hereby given that a public hearing in the

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PROPOSED RULES

above-entitled matters will be held in the Veteran's Building, Conference Room D, St. Paul, Minnesota on Tuesday, January 10, 1978, commencing at 9:00 a.m., or as soon thereafter as possible, and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written material may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Office of Hearing Examiner, 1745 University Avenue, Room 300, St. Paul, Minnesota 55104, telephone (612) 296-8118, before the hearing or after the hearing until the record is closed. The record will remain open for five or twenty working days after the public hearing ends, as ordered by the Hearing Examiner.

A copy of the proposed rules 5 MCAR § 1.0010 and §§ 1.0720-1.0725 are attached hereto. Section 1.0010 involves the granting of variances from current regulations of the State Board of Education for experimental programs in elementary and middle schools. Sections 1.0720-1.0725 regulate the manner in which Laws of 1977, ch. 437, pre-school health and developmental screening programs, will be implemented. One free copy may be obtained by writing to the Minnesota Department of Education, Division of Instruction, 657 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 121.11 (1976) and Laws of 1977, ch. 437, § 3. A statement of need explaining why the Board believes the proposed rules are necessary and reasonable, and a statement of evidence outlining the testimony to be introduced, shall be filed with the Hearing Examiner's office at least twenty-five (25) days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A (1976), requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250.00 per year or five (5) hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Board of Education
Howard B. Casmey
Secretary

Rules as Proposed

Chapter One: Classification for State Aids, Minimum Requirements for Elementary and Secondary Schools

5 MCAR § 1.0010 Experimental Programs. Elementary and middle schools desiring to offer an experimental course or program of studies that would require exemption to existing state board of education rules may request approval for such course offerings or programs. If the proposed program is approved, the state board of education is empowered to provide an exemption to rules that otherwise would apply.

A. The proposal shall include: A statement of the goals and objectives of the program which must include an expectation of improving the instructional program or the reduction of program costs without reduction in effectiveness or quality.

A listing of the activities and procedures to be utilized in accomplishing the stated objectives.

A definite time limit for the experiment not to exceed three years.

A statement of the evaluation procedures to be used in determining the effectiveness of the program. Such evaluation shall be conducted by persons other than employees of the district.

An identification of the state board of education rules, from which the district requests exemption for the purpose of the proposed program.

B. Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the local board of education.

C. If the evaluation at the end of the course or program is positive, the state board of education may authorize continuation of the program. When such continuation is granted, the state board of education shall stipulate the specific rules from which the program shall continue to be exempt.

Chapter Thirty-Six: Pre-School Health and Developmental Screening

5 MCAR § 1.0720 Definitions. For the purposes of this chapter, terms are defined as follows:

A. Assessment — as used in these rules is synonymous with "screening" as indicated below.

PROPOSED RULES

B. Developmental Screening — includes identifying the motor, language, social-emotional, and cognitive status of the child.

C. Parent or parents include a biological mother or father, an adoptive mother or father, a legally appointed guardian, or such agency or other person appointed pursuant to Minnesota statutes.

D. Pre-school health and developmental screening program — Systematic procedures developed to conduct screening of pre-school children in accordance with Minnesota statutes.

E. Referral — An organized system for providing information on agencies or specialists to be utilized in diagnosis and treatment of problems identified through the screening procedure.

F. Screening — Use of procedures to sort out apparently well children from those in need of more definitive study of physical or developmental problems.

G. Screening personnel — Professional, paraprofessional, and volunteer staff in local schools or contracted agencies who will conduct activities related to the pre-school health and developmental screening program.

§ 1.0721 Participation in program and delivery of services.

A. All children in the state of Minnesota shall have available without cost the services of trained personnel to screen for possible health and developmental problems once prior to entering school.

B. Participation in the screening program by children shall be voluntary, and shall not be required for entry into school. Parents may elect to participate in only a part of the screening program if they so desire.

C. Pre-school health and developmental screening services shall be provided by all local school boards, with the consultation of local societies of health providers. School boards, individually or in cooperation with other schools or agencies, shall, wherever possible, contract with or purchase service from an approved early and periodic screening program. Where this is not possible, or all services are not available, school boards may contract with other health care providers to operate screening programs. Volunteer screening programs shall also be integrated and utilized where available.

D. The pre-school screening program shall be coordinated as far as possible with other health screening programs to eliminate duplication of services and provide more efficient administration.

§ 1.0722 Local school district plan.

A. The school board for each school district shall submit to the department of education its plan for implementation of a pre-school screening program to be fully operational during fiscal year 1978. Such a plan shall be submitted prior to implementation of the pre-school screening and shall have the following components:

1. Procedures to be used to inform parents of pre-school children concerning the screening services provided and procedures to encourage participation in the pre-school screening program.

2. Information on the location of facilities to be utilized and the frequency of screening.

3. Staff to be utilized, and their qualifications which shall include professional training, specialized training completed, and plans for in-service training. Staff must meet the qualifications listed in 5 MCAR § 1.0723.

4. Procedures to be utilized in screening each component area, in accordance with standards listed in 5 MCAR § 1.0724.

5. Procedures to be utilized in reporting results of screening to parents.

6. Procedures for integration of information in school records and dissemination to school staff where parental consent has been received.

7. Referral procedures to be utilized when a condition is identified in need of diagnosis or treatment.

8. Procedures to be utilized to determine whether or not referral resources were utilized.

9. Procedures to include integration and utilization of other screening programs, including volunteer screening programs, available to the district.

B. Payment, including advance payment, shall not be made until the information indicated above is received

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PROPOSED RULES

and approval of the plan is given by the department of education.

C. If services are contracted, to the extent that information included in A of this section is included in the contract, a copy of the contract shall satisfy the reporting requirements of this section.

D. Exceptions to the statutorily required screening components may be made by the state board upon submission to it of evidence that a local board is not able to supply such screening due to financial limitations.

E. Plans for implementation of the screening program shall be made annually prior to implementation of screening program for that fiscal year or May 1, whichever is earlier. After the initial plan, subsequent plans need only indicate changes or revisions in the program.

F. Claims shall be submitted by June 30 of each fiscal year.

§ 1.0723 Staffing.

Screening shall be performed by qualified personnel. A person may perform one or more of the functions described in A through F of this section provided appropriate qualifications are met. Each pre-school health and developmental screening program shall include the following screening personnel meeting the stated minimum qualifications:

A. Nurse.

1. Who must be registered and currently licensed in the state of Minnesota.

2. Who has successfully completed training seminars provided by the Minnesota department of health or participated in equivalent training programs designated by the Minnesota department of health to prepare individual to perform child screening.

B. Clinic coordinator who shall be responsible for administration of all components of the pre-school screening program.

C. Vision and hearing technician.

1. Who has been trained by the Minnesota department of health to perform vision and hearing screening, or

2. Who has been trained by a program providing equivalent preparation as determined by the department of health.

D. Laboratory assistant, for programs with a laboratory component.

1. Who must be registered as a laboratory technician, or

2. Who has been trained to perform the specific tests used in the screening session under the supervision of a nurse trained in accordance with § 1.723 A.

E. Clinic assistant.

1. Who has been trained by department of education or department of health professional staff in administering one or more of the health or developmental screening measures.

F. Dental screener.

1. Who must be a licensed dental hygienist or a registered or certified dental assistant, or

2. Who has been trained by the Minnesota department of health or approved by the Minnesota department of health as having been trained to perform dental screening.

§ 1.0724 Screening procedures.

A. Screening procedures shall, to the extent the school board determines they are financially feasible, including the following components:

1. An individual review of past and present health status including perinatal, psychosocial, family health, nutrition intake and immunizations.

2. Developmental screening tests of the child's development in the areas of motor development, language development, social-emotional development, and cognitive development by using procedures which shall include:

a. Parent report of the child's functioning history in the areas of skills development, emotional and behavior status.

b. Direct observation of the child's functioning utilizing developmental screening instruments approved by the Minnesota department of education and which have:

(1) Written procedures for administration and scoring.

(2) Norms for the age range being tested.

PROPOSED RULES

3. Hearing tests: To test for deviations from the normal range of auditory acuity using the Puretone Audiometric Screening Test. A Verbal Auditory Screening of Children may be used for 4 year old children.

4. Vision tests: To test for eye health and deviations from the normal range of visual acuity and muscle balance in the child. Approved programs must:

a. Check the child for a history of maternal and/or neonatal infection and a family history of ocular abnormalities such as color blindness or retinitis pigmentosa.

b. Observe and examine the child's pupils and light following reflex, presence and absence of nystagmus, muscle balance, and an external examination of the eyes.

c. Muscle balance screening procedures include at least observation, cover test, Hirshberg test and the Worth 4-Dot.

d. Test for visual acuity. A test such as the Screening Test for Young Children and Retardates (STYCAR), the Snellen E cube, the Snellen Alphabet Chart and plus lenses must be used.

5. Dental inspection: The child's mouth is to be inspected for any obvious oral or dental abnormalities.

B. As of July 1, 1978, the screening procedure shall, in addition to the components included in A of this section, and to the extent the school board determines they are financially feasible, include the following components:

1. Assessment of the unclothed child including an inspection of pulse, respiration, blood pressure, head, eyes, ears, nose, pharynx, neck, chest, heart, lungs, abdomen, spine, extremities, joints, muscle tone, skin and neurological according to normal procedures.

2. Laboratory tests: The following tests are to be administered appropriate for the age and sex of the child including:

a. Tuberculin.

b. Urine and bacteriuria (bililabstix, cultura assay).

c. Anemia testing (microhematocrit, hemoglobin).

d. Blood lead — test for increased lead absorption and lead poisoning in children whose history indicates the possibility of exposure to undue levels of lead in the environment or atmosphere.

e. Sickle cell testing: This test is to be administered only with consent of the parent(s) or guardian(s).

3. Nutrition status review: A review of the child's food intake.

C. If requested by the parent, health history and physical examination completed by a personal physician within the previous 12 months or within 60 days after the provision of other screening tests shall be accepted by the school district for inclusion in the school records in lieu of comparable information collected in the screening program.

D. Data on individual students is private as defined by state statutes and shall not be disclosed to a third party, including the district, without the informed consent of the parent. All information must be made available to the parents.

E. Upon identification of a condition in need of diagnosis or further attention, parents shall be informed of appropriate agencies or specialists capable of performing needed services, such as the family physician or special education programs.

F. Data on individual students obtained in the screening program shall be incorporated into school district records, except as indicated in D of this section.

G. Diagnosis, treatment or therapy shall not be provided in the pre-school screening program but this does not preclude such services as a part of a related program.

§ 1.0725 Payment of aids.

A. Payment of aids for the cost of screening conducted in accordance with an approved plan shall be made as provided for by legislative appropriations.

B. An advance of 50 percent of the estimated aid payment may be made upon request.

C. Where a child is known to be eligible to have costs of screening paid for under other state or federal programs, requests for payment shall be made to such other

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PROPOSED RULES

agencies, and the school may not claim reimbursement under this program.

D. No aid payment shall be made for screening any child more than once.

Board of Education State Board for Vocational Education Content, Approval and Funding of Vocational Education Programs

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the State Office Building Auditorium, Room 83, St. Paul, Minnesota, on Tuesday and Wednesday, January 10 and 11, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, to the attention of Hearing Examiner George Beck, phone number (612) 296-8108, either before the hearing or for five or twenty working days after the close of the hearing.

A copy of the proposed rules is attached hereto. The proposed rules, if adopted, will codify the standards to be applied for the approval of vocational education if a school district desires aid at the secondary and adult levels. In addition, the proposed rules will codify new standards and recodify existing rules for the post-secondary level programs. The rules deal with, among other things: definitions, standards for program approval, opportunity to appeal, evaluation by the board of education (state board for vocational education), procedure for licensure of staff, local advisory committees, vocational center approval, local applications for aid, allotment availability of federal funds, property management standards, student eligibility, administrative services, support services, vocational aid, foundation aid, capital expenditure aid, construction, categorical aid, debt service aid, student organizations, and tuition and attributable costs. Copies of the proposed rules are now available, and one free copy may be obtained by writing to Minnesota Board for Vocational Education, Room 541, Capitol Square Building, St. Paul, Minnesota, 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed

rules is contained within Minn. Stat. §§ 121.11 (12) and Laws of 1977, ch. 447, art. V. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone number (612) 296-5615.

Board of Education
State Board for Vocational Education
Howard B. Casmey
Secretary

Rules as Proposed

Chapter Four A: General Rules for Vocational-Technical Education

5 MCAR § 1.0070 Definitions. For the purpose of this chapter, the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.

A. Adult vocational education — Vocational education for persons who have completed or left high school which prepares them to enter, re-enter, or to progress in paid or unpaid employment.

B. Authorized local administrator — The licensed vocational administrator who has major responsibility for vocational education at the secondary, post-secondary and/or adult level for a district, center or AVTI. The superintendent may act as the authorized local administrator or in the absence of a vocational administrator.

C. Bona fide sale — The competitive sale of unneeded property which results in the highest possible investment return.

D. Career education — The process of helping individuals acquire and use those attitudes, skills and

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knowledge needed to develop and manage a reasoned, socially purposeful, and personally-valued life pattern in relation to work of whatever kind.

E. Center — A vocational or cooperative center.

1. Cooperative center — Two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the state board for vocational education.

2. Vocational center — Two or more senior high schools in a single district that share secondary vocational programs that meet rules relating to vocational centers and have been approved by the state board for vocational education.

F. Classroom instruction — An in-school instructional method involving discussion, lecture, and other forms of communication.

G. Competencies — Skills, knowledge, or attitudes necessary for functioning in a specific occupation.

H. Component — A unit of instruction that contributes to the accomplishment of the program objectives.

I. Employment related community-based education (coop experience) — Instruction enabling students to prepare for their tentative career objectives or develop general employability skills through the coordination of vocationally related in-school instruction and supervised part-time on-the-job training.

J. Entrepreneurship — A school supervised business venture undertaken to teach the free enterprise system, including the functions of organizing and managing the factors of production or a distribution of goods or services.

K. Entry level skills — Those basic occupational competencies which enable a person to enter initial employment.

L. Essential licensed personnel — Staff assigned to approved vocational education programs who meet criteria for vocational education licensure set forth by the Minnesota state board for vocational education and who have been issued a license.

M. Exploratory work experience — A school super-

vised program designed to provide students with paid or unpaid on-the-job work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

N. Extended employment — Paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, laboratory organizations, etc.

O. Extended time student — A student who is in attendance more than six hours but less than nine hours per day.

P. Full-time adult vocational enrollee — A person who is enrolled in a program of adult vocational education in which instruction is available on a daily basis throughout the school year.

Q. Instructional site — A facility or location where students have an opportunity to achieve educational goals and individual program objectives.

R. Laboratory instruction — An in-school instructional method involving the practice of skills with appropriate equipment and supplies used within the occupation.

S. Local education agency — A public educational agency, at the local level, which exists primarily to operate schools or to contract for educational services.

T. Necessary equipment — Items of equipment that meet the criteria as defined in the uniform financial accounting and reporting system (UFARS), and are identified by the local school district as essential to support the teaching of occupational competencies in approved vocational programs.

U. Nonexpendable personal property — Tangible personal property having a useful life of more than one year and an acquisition cost of \$300.00 or more, per unit.

V. Occupation — Paid or unpaid employment including, but not limited to, salaried jobs, self-employment and homemaking.

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W. Occupational relations — Learning experiences including work adjustment concepts, interpersonal skills involving relationships with other workers and supervisors, understandings and attitudes common to all work stations, and specific instruction as identified in a training plan.

X. Post-secondary part-time student — Any student attending a post-secondary program fewer than six hours per day or 30 hours per week.

Y. Post-secondary vocational education — Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study.

Z. Pre-vocational education — Programs, services, or activities designed to provide youth and adults with orientation, guidance, exploration and instruction to assist them in making meaningful career decisions.

AA. Secondary vocational course — One or more components of a secondary vocational instructional program.

BB. Secondary vocational education — Programs for grades 10-12 that meet the requirements of § 1.00811 B. 1., 2., 3.

CC. Simulation — An in-school instructional method involving the application of skills with a realistic flow of work and in a realistic setting for the occupation.

DD. Student full-time equivalent (FTE) — A student enrolled full-time in an approved educational program, six hours per day for 175 days per year or its equivalent.

EE. Student-staff ratio — The relationship between the number of FTE students and the number of FTE teachers in each approved vocational program.

FF. Students with special needs — Students who are handicapped or disadvantaged.

1. Students identified as handicapped are defined in Minn. Stat. § 120.03 and cannot succeed in regular vocational programs.

2. Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematical skills, perform below grade level, the family income is at or below national poverty level, the student or his/her parent(s) or guardian is unemployed, the student of his/her

parent(s) is a recipient of public assistance, or the student is institutionalized or under the state's guardianship.

GG. Support service — Noninstructional activities, services, and functions carried out to aid and improve the quality of vocational education programs.

HH. Teacher full-time equivalent — A certified vocational instructor who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

II. Third party appraisal — Establishing a price for nonexpendable personal property by an independent appraiser who is free from any conflicting interests.

JJ. Training agreement — An agreement signed by the employer, the student, the parent or guardian (when student is below 18), and the instructor-coordinator, which defines their respective responsibilities, and includes pertinent information regarding supervision of the student at the training station.

KK. Training plan — A written plan developed by the instructor-coordinator, the employer and/or supervisor, and the student that indicates what is to be learned by that student and whether it is to be learned in the classroom or at the training station after a careful analysis of the student's career objective and the learning opportunities available at the training station.

LL. Training station — That site at which a student acquires actual work experience.

MM. Vocational administrator — A person who holds a vocational administration license appropriate to the level being served (secondary, post-secondary and adult) and is assigned to provide management and leadership in vocational education.

NN. Vocational aid — Categorical, state and federal funding for secondary, post-secondary and adult vocational programs meeting criteria set forth in rules.

OO. Vocational education — Organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring technical skills other than a baccalaureate or advanced degree.

PP. Vocational instructional program — An educational activity or a series of instructional components designed to meet the program objectives for the period of instruction.

QQ. Vocational program advisory committee — A

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group of persons with competence or interests in an occupational field related to the program being served, selected for the purpose of offering advice to instructors and/or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a related industry.

RR. Vocational student organization — Organizations of vocational students which provide the opportunity for the development of leadership abilities, personal improvement of individual members and aid in their transition from school to career.

§ 1.0071 Standards for program approval. Written application for the approval of vocational programs by local education agencies shall be made to the commissioner of education. The commissioner's approval to establish vocational programs shall be conditioned on meeting the following minimum standards:

A. All programs shall be assigned vocationally licensed instructional staff as specified in the state plan for vocational-technical education.

B. Sufficient and suitable facilities including laboratories, shops, classrooms, equipment, supplies and adequate storage for the course to be offered shall be provided.

C. Class size conducive to efficient teaching and not exceeding the number which the space and equipment will accommodate effectively shall be maintained.

D. Programs shall comply with federal and/or state civil rights laws, labor laws and wage and hour statutes where applicable.

E. School districts and centers shall maintain accounting and reporting records according to a uniform financial accounting and reporting system (UFARS) and all records shall be available to the department of education.

F. A student shall not be denied access to vocational education programs because of handicapped or disadvantaged status. A person with special needs shall be defined as handicapped or disadvantaged to be eligible for enrollment in special needs vocational programs. Special needs vocational programs shall be eligible for aid assistance.

G. The authorized local administrator shall be re-

sponsible for coordinating vocational education programs with comprehensive employment training act prime sponsors.

H. Programs shall also meet appropriate level (secondary, post-secondary or adult) criteria designated by these rules.

§ 1.0072 Opportunity to appeal.

A. Districts or centers whose vocational programs or courses have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for vocational education and are entitled to a hearing date at a regular or special board meeting.

B. The state board for vocational education will notify the districts or centers of the time and place of the hearing in writing.

C. Upon completion of the hearing, the decision of the state board for vocational education and the reasons for the decision will be made in writing and transmitted to the local education agency. The decision of the state board for vocational education shall be the final state action.

§ 1.0073 Evaluation by state board for vocational education. The division of vocational-technical education will evaluate, in quantitative terms, the effectiveness of each formally organized program or project supported by federal, state and local funds. The local education agency shall supply, upon request, the data necessary to make the evaluations. These evaluations shall be in terms of:

A. Planning and operational processes, such as:

1. Quality and availability of instructional offerings;

2. Guidance, counseling and placement and follow-up services;

3. Capacity and condition of facilities and equipment;

4. Employer participation in cooperative programs of vocational education;

5. Teacher/pupil ratios; and

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6. Teacher qualifications.

B. Results of student achievement as measured, for example, by:

1. Standard occupational proficiency measures;
2. Criterion referenced tests; and
3. Other examinations of student's skills, knowledge, attitudes and readiness for entering employment successfully.

C. Results of student employment success as measured, for example, by:

1. Rates of employment and unemployment;
2. Wage rates;
3. Duration of employment; and
4. Employer satisfaction with performance of vocational education students as compared with performance of persons who have not had vocational education.

D. Other results as measured by services to special populations, such as:

1. Women;
2. Members of minority groups;
3. Handicapped persons; and
4. Disadvantaged persons.

§ 1.0074 Procedure for licensure of staff.

A. Licensed personnel shall meet the licensure requirements of the state plan for vocational-technical education.

1. Licenses become valid on the date of approval by the state board for vocational education. For a local education agency to be eligible for aid, staff shall be vocationally licensed prior to payment for services rendered. All licenses shall bear the date of issue and shall expire the specified number of years from July 1 nearest such date.

2. For those persons meeting stated requirements in both education and occupational experience, an initial entry license shall be issued for a period of two years. Maximum subsequent licensure shall be for five years.

3. A permit or license may be issued according to

the vocational teacher education sequence to individuals not holding a vocational education degree when state plan requirements have been met.

4. To be considered, complaints or requests for corrections on licenses shall be made to the commissioner of education within ninety days of issuance.

B. Renewal of license.

1. Renewal applications shall not be accepted prior to January 1 of the year of expiration, with the renewal period commencing on the expiration date.

2. Renewal of the two year entry license or licenses issued for a maximum of five years shall require upgrading activities as set forth in the state plan for vocational-technical education with the content pre-approved by the local vocational license committee and subsequently approved by the commissioner of education.

3. Individuals on the teacher education sequence as set forth in the state plan may request renewals of one year until total qualifications are achieved, at which time a regular five year license may be approved.

4. Reactivation of lapsed licenses (expired two or more fiscal years) requires satisfaction of appropriate current state plan for vocational-technical education requirements. Vocational teacher education sequence requirements stated in terms of clock hours may also be met with equivalent college courses with twelve clock hours equal to one quarter credit.

C. A limited permit for a maximum of 30 days may be approved through the commissioner of education in order to meet an emergency need for a short-term instructor/substitute. An emergency need is defined as:

1. A medical emergency of an instructor, or

2. Hiring on such short notice that it is impossible to gather and submit credentials for approval of licensing prior to the starting date.

D. Individuals may petition the commissioner of education for an examination as approved in the state plan. In such cases the commissioner of education shall appoint an examining committee. The committee shall include at least three members who are recognized as representative of and knowledgeable about the position and/or occupation for which the license is to be issued. In the case of local personnel, one member must be a vocational educator and one person in a position of similar employment as that of the applicant. A fourth member shall be a lay member, if available. In addition to an interview, the committee may require a written

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examination or a performance examination or both and shall submit its recommendation in writing to the commissioner of education.

E. No unsuccessful candidates for licensure or re-licensure by the committee review route shall be allowed to be reexamined until one year has elapsed since previous examination. A candidate questioning an adverse recommendation from a committee shall have a maximum of 30 days from the date of notice to submit a written review of the areas over which there is disagreement with the committee's recommendation to the commissioner of education which shall be reviewed by the state board for vocational education.

F. When emerging occupations or innovative experimental or exemplary programs create new instructional positions which are not governed by the licensing criteria in the state plan for vocational-technical education, the commissioner of education may recommend the issuance of a license for the instructional staff of that program.

§ 1.0075 Local advisory committee.

A. Establishment of local advisory committee.

1. Each eligible recipient (local education agency or post-secondary educational institution) which receives federal assistance shall establish a local advisory committee on vocational education.

2. The local advisory committee may be established for program areas, schools, the community or the region in which the eligible recipient is located.

3. The local advisory committee shall be composed of representatives of the general public including at least a representative of business, industry and labor.

4. Representatives from several craft committees, or representatives of several school committees within a local education agency, having the requisite representation in paragraph three, may join together to form a general local advisory committee.

B. Duties of local advisory committee.

1. The local advisory committee shall advise the eligible recipient on the current job needs and the relevance of programs (courses) being offered by the local education agency or post-secondary educational institution in meeting current job needs.

2. The local advisory committee shall assist the eligible recipient in developing its application to the state board for vocational education.

§ 1.0076 Center approval. State board for vocational education approval is necessary if a vocational center is to be eligible for secondary or adult vocational aid or other aid available to approved vocational centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the state board for vocational education when the following criteria have been met:

A. Vocational programs shall be shared by one of the following methods:

1. Two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota state statutes, OR

2. Intermediate school districts established by the legislature to serve two or more independent school districts, OR

3. A school district sharing secondary vocational education among two or more senior high schools.

B. A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the vocational programs.

§ 1.0077 Local applications for aid.

A. To be eligible for aids, the local education agency shall submit the following to the commissioner of education:

1. Assurances of compliances, signed by the authorized local administrator and the local state board representative.

2. Local labor market information on employee demand which is supplemental to data available from the state.

3. An approved evaluation document which reports secondary and post-secondary program output by completion and by entry into an occupation.

4. Information concerning enrollments.

a. Enrollments and costs of current programs in

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the fiscal year indicating the expansion of present programs and new program plans.

b. Enrollments and costs for services to special needs programs.

B. Any income derived from the sale of products or services derived from the operation of a vocational program shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

C. When instructional and support services and facilities are funded by other sources, except adult vocational tuition, the funded amount shall be included in the budget and shall reduce the state's obligation in the request for aids.

§ 1.0078 Allotment availability of federal funds.

A. When federal funds are not available to all applicants, the state board for vocational education shall consider the following criteria in determining the allocation of federal funds:

1. Priority shall be determined based upon economic, social and demographic factors relating to need for programs among target groups and areas of the state.

2. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low income families.

3. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served whose education imposes a higher than average cost, such as those from low income families and those with English as a second language.

4. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.

B. Local education agencies and teacher education institutions shall submit annual reports in accordance with these rules indicating expenditures and enrollments for which aid is requested. The commissioner of education may require other statistical and descriptive reports as required for federal reporting.

C. Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be sub-

mitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education and approved by the state board for vocational education.

D. In apportioning funds among local education agencies, the state board for vocational education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the non-federal share of the cost of such programs.

§ 1.0079 Property management standards.

A. A uniform property management system shall be utilized by the districts and centers to:

1. Maintain individual item control for continuing verification on non-expendable personal property in which the state board for vocational education has provided state and/or federal funds.

2. Maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing and program cost computing.

B. Standards and procedures governing ownership, use and disposition of nonexpendable personal property purchased whole or in part with state funds and in which there are no federal funds are set forth below:

1. Title will not be taken by the state board for vocational education, but shall be vested in the local education agency subject to the following restrictions on use and disposition of the property:

a. Nonexpendable personal property with an acquisition cost of less than \$500 and used four years or more: the local education agency may divert the property to any approved vocational program, vocational administration or support service or sell the property and retain the proceeds for vocational education programs.

b. All other nonexpendable personal property with an acquisition cost of \$1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the state board for vocational education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide

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sale or by a third party appraisal in the case of some other diversion. The state board for vocational education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

c. Nonexpendable personal property with an acquisition cost of over \$1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 90 days, the local education agency may dispose of the property at their discretion.

2. A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current utilization, and continued need for the property.

3. Property records shall be retained for three years after final disposition of the property.

4. The commissioner of education or his authorized representative shall have access to any pertinent property records for the purpose of making examinations.

C. In addition, when personal property is purchased whole or in part with federal funds furnished by the state board for vocational education, the local education agency shall comply with the appropriate code of federal regulations regarding standards and procedures governing ownership, use and disposition of personal property.

§ 1.00791 Student eligibility. All students shall be eligible for enrollment in vocational education programs regardless of race, color, creed, religion, sex, national origin, marital status, age, residency or status with regard to public assistance or disability providing that no federal or state statute or rule specifically provides for valid exclusions for such things as health conditions, age or certain physical conditions.

Chapter Five-A: Secondary Vocational Education

5 MCAR § 1.00801 Scope.

A. To be eligible for aid, local education agencies shall meet the rules in this chapter.

B. Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid.

C. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission.

D. Approved programs and administrative services shall be supervised by the authorized local administrator. When programs are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.

E. The local education agency shall resubmit each approved program for evaluation by the state board for vocational education at least once every five years.

§ 1.00811 Instructional program approval. The commissioner of education shall approve programs on the following basis:

A. Approval shall be on the basis of a complete program as defined in Section D.

B. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

1. In-depth exploration of occupations to assist in the career planning process, and

2. Development of occupational competencies designed to be recognized for advanced placement in post-secondary programs, and

3. Development of occupational competencies necessary to enter an occupation.

C. Each program shall have a vocational advisory committee to advise the instructor(s), the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.

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D. Program components and time standards. All program components must be addressed in order to qualify for approval, however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. Daily time requirements may be converted to weekly equivalents.

1. Agriculture/agribusiness and natural resources occupations.

a. Programs. Instruction in safety, leadership, communications, personal development, decision making, job seeking skills, good work attitudes and habits shall be an integral part of an approved program.

(1) Agricultural mechanics occupations. Learning experiences concerned with the application of mechanical competencies to agriculture. Program components include: agricultural power; hydraulics; welding; machinery maintenance; electrification; mechanics shop; material handling; buildings and conveniences; soil and water management, irrigation; livestock and crop production; farm and business management and entrepreneurship as related to mechanics.

(2) Agricultural products, processing and marketing occupations. Learning experiences concerned with the application of processing and marketing principles, agricultural products. Program components include: evaluation, processing and marketing of dairy, livestock, poultry products, cereal grains and specialty crops; agricultural business management and entrepreneurship; agricultural mechanics principles.

(3) Agricultural supplies and service occupations. Learning experiences concerned with the provision of consumable supplies and services used in agriculture. Program components include: animal and crop production; soils and soil fertility; animal nutrition and health; chemicals, fertilizers and pesticides; mechanics shop; agribusiness organization; management; entrepreneurship; marketing; power; machinery.

(4) Forestry occupations. Learning experiences concerned with the growing, managing, protecting, harvesting, utilizing and marketing of trees. Program components include: tree production, harvesting, management, protection, measurement and marketing; operation and maintenance of forestry equipment; agribusiness management; intensive laboratory occupational experience.

(5) Horticultural occupations. Learning experiences concerned with the culture of plants used for ornamental, aesthetic and food purposes. Program components include: greenhouse and nursery management; turf, fruit and vegetable production; floral pro-

duction; landscape design; construction; equipment operation, repair and maintenance; garden center materials; plant and soil sciences; agribusiness management; entrepreneurship.

(6) Natural resources occupations. Learning experiences concerned with the principles and processes involved in the preservation and/or improvement of natural resources such as air, forests, soil, water, fish and wildlife. Program components include: water; air; quantity analysis resources; fish; wildlife; animal waste; soil and water management; pollution control; guiding and park management; resort and recreation operation; mechanics shop; entrepreneurship.

(7) Production agriculture occupations. Learning experiences concerned with the principles and processes involved in the economic use of land, labor, capital and management. Program components include: crop, livestock and poultry production; power, hydraulics, welding machinery maintenance and electrification; building and conveniences; mechanics shop; materials handling; irrigation, soil and soil fertility and soil and water management; marketing; finance, recordkeeping, entrepreneurship and farm management.

(8) Other agriculture/agribusiness, natural resources occupations. Programs not otherwise defined which meet the vocational program criteria in § 1.00811 B., may be approved.

b. Implementation. When offering a vocational agriculture/agribusiness, natural resources program, the following considerations apply.

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following experience application options by the 1980-81 school year.

(a) Forestry occupations program shall include an intensive supervised laboratory experience of at least 280 hours, or

(b) Production agriculture occupations programs shall have a coop placement in a production agriculture operation either wage paying or entrepreneurship.

(c) All other programs in agriculture/agribusiness shall have an intensive supervised laboratory experience or a coop placement in a related agricultural business or industry either wage paying or entrepreneurship. An agriculture instructor-coordinator may supervise students in any vocational agriculture/

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agribusiness and natural resources occupations program.

(3) Various program components which meet approval criteria may be combined to develop a program to meet the needs of the local educational agency, including placement in a coop experience.

(4) Each program shall include one of the following options:

(a) The program shall consist of a minimum of 140 hours for the regular school year, with classes available to students in grades 10, 11, 12. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(b) The program shall consist of a minimum of two 140 hour classes per day, and one 280 hour class for the regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(c) The program shall consist of a minimum of two 280 hour classes for one regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience; internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(d) Approved programs currently operating on a 280 hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3-280 hour classes per year shall develop, by the 1980-81 school year, a comprehensive program including a cooperative placement program for the summer school offering. Other summer components in addition to a supervised cooperative placement program, such as internship and classroom instructional program are strongly encouraged to support the coop component. (see community-based rules in § 1.00811 G.) or

(e) Any expansion of currently approved programs must meet agriculture/agribusiness and natural resources options b, 3a, b and/or c in the year for which approval is sought, or

(f) New program requests shall comply with an agriculture/agribusiness and natural resources option b 5a, b, and c by the third year of operation.

2. Business and office occupations. Instruction in human relations, leadership and organizational competencies, public relations, personal development, self-concept, work attitudes and job seeking skills shall be an integral part of instruction in each program.

a. Programs.

(1) General office typist occupations. Learning experiences concerned with the performance of a variety of office duties, including maintenance of the system and generation of reports. Program components include: typewritten communications; records filing and management; recordkeeping (numerical data); machine transcription; office functions including supplies control, telephone techniques, mail handling, reprographics services, machine maintenance and operation.

(2) Secretarial occupations. Learning experiences concerned with coordination of office responsibilities, generation of communication and facilitation of office functions. Program components include: all in general office typist plus: business composition; meeting and travel arrangements; transcription from shorthand notes or machine (shorthand optional); word processing concepts; clerical accounting.

(3) Accounting/data processing occupations. Learning experiences concerned with systematizing information about financial transactions and quantitative records in a traditional or automated setting. Program components include: accounting for receivables, payables; payroll; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; machine operation; business mathematics; records management; programming fundamentals; computer applications.

(4) Banking and finance occupations. Learning experiences concerned with banking or financial institutions services, the handling of money and negotiable instruments. Program components include: accounting for receivables; payables; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; business mathematics; teller functions; finance and credit; decision making; data entry; records management.

(5) Supervisory/management occupations.

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Learning experiences concerned with managerial skills in planning, organizing, supervising, coordinating, determining work procedures and assigning duties. Program components include: accounting for receivables, payables, billing/invoicing, inventory, purchasing; cash receipts and disbursements; communications; electronic computing; management principles; business ownership; business law; economics; public enterprise systems; personnel management.

(6) Other business and office occupations. Programs not otherwise defined which meet the vocational program criteria in § 1.00811 B., may be approved.

b. Implementation. In offering a vocational business and office program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus one of the following application experience options:

(a) In school: model office — a minimum of 100 minutes per day for one school year. (Primarily for use with general office typist and secretarial occupations; see model office brochure for details.)

(b) In school: intensified laboratory — a minimum of 100 minutes per day for one semester; plus related instruction to comprise a minimum of 280 hours in one fiscal year.

(c) Employment related community-based education: See community-based rules in 5 MCAR § 1.00811 G. A business and office instructor-coordinator can supervise students in any vocational business and office occupations program.

3. Health and environmental occupations.

a. Programs. Instruction in safety, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Environmental occupations. Learning experiences concerned with identification, prevention and control of environmental hazards, environmental aspects of populations and society, natural resources, health and physical implications, technology involved in protecting and restoring the quality of modern environment, and exploring careers in environmental areas. Program components include: environmental services;

industrial hygiene related to environmental hazards and toxicants; safety, minimizing accident hazards and promoting safe work habits in plants, mines, industrial, agricultural areas; interpretation and enforcement of environmental laws; environmental technology aspects including performing tests and making samples; option of treatment equipment; societal responsibilities concerned with energy; providing and maintaining safe water, foods, air.

(2) Health care occupations. Learning experiences concerned with health concepts related to the providers and consumers of health care, preventative health care, and the utilization of materials, instruments and equipment in the health care area. Program components include: health occupations orientation; preparation of health consumer records; laboratory procedures concerned with tests to provide data; performance of routine clinical laboratory procedures; direct care services; procedures designed to introduce concepts related to rehabilitation of people with physical or mental emotional disabilities; communications between health providers and consumers of health services; applied anatomy and physiology.

(3) Other health and environmental occupations. Programs not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational health and scientific occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following application experience options:

(a) In school: the program shall be offered for a minimum of 280 hours within one fiscal year.

(b) Employment related community-based education: see community-based rules in 5 MCAR § 1.00811 G. A health occupations instructor-coordinator can supervise students in any vocational health and scientific occupations program.

4. Homemaking occupations.

a. Programs. Instruction in health and safety, multiple roles of both sexes, use of energy in the home and by families, development of self-concept, human relations, and leadership skills shall be an integral part of an approved program.

(1) Consumer-homemaking occupations.

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Learning experiences concerned with the work in one's own home environment including relating to family members and managing resources. Program components shall include: child development and parenting; individual and family life; home and family resource management and consumerism; consumer (individual and family) housing; consumer (individual and family) foods and nutrition; consumer (individual and family) clothing and textiles.

(2) Home and individual/family resource management occupations. Learning experiences concerned with the work in one's own home environment with emphasis on multiple roles of family members, managing resources, purchasing, using products and services. Program components shall include: family financial, time, energy, and human talent management; consumer buying; community resources; multiple roles of family members; housekeeping management skills; family decision making and goal setting.

(3) Individual/family life and parenting occupations. Learning experiences concerned with the work in one's own home environment with the emphasis on relationships, communication among family members; human growth and development and parenting. Program components shall include: relationships; marriage; family financial management and consumerism; human sexuality; alternate life styles, families throughout the life cycle; pregnancy and birth; growth and development; parent-child relationships; community services; family decision making and goal setting.

(4) Other homemaking occupations. Programs not otherwise defined which meet the vocational programs criteria may be approved.

b. Implementation. When offering a vocational homemaking occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall use to deliver homemaking occupations programs:

(a) For a consumer-homemaking program, simulation or laboratory and classroom methods shall be a minimum of 280 hours within two consecutive fiscal years. Each component shall be one or more separate

courses. Each of the components shall constitute a minimum of 45 hours of instruction, or

(b) For a home and individual/family resource management or individual/family life and parenting program,

(i) simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year, or

(ii) simulation and classroom methods shall be a single course for a minimum of 140 hours within one fiscal year.

5. Industrial occupations.

a. Programs. Instruction in safety, tool usage, self-concept, work attitudes and habits, leadership skills, and job-seeking skills shall be an integral part of all instruction.

(1) Auto body repair occupations. Learning experiences concerned with the repair of automotive bodies, fenders, and frames. Program components include: metal straightening by hammering or machine; smoothing areas by filing, grinding, or sanding; concealment of imperfections; replacement of body components including trim; arc and gas welding; refinishing; glass replacement service; new and used vehicle preparation.

(2) Auto mechanics occupations. Learning experiences concerned with the diagnosis and repair of motor vehicle components. Program components include: engine tune-up; emission systems; lubrication and maintenance; power transmission; steering and suspension; brakes; electrical systems; diagnostic and testing equipment; parts.

(3) Communication/media technology occupations. Learning experiences concerned with the production and use of electronics and other media materials and equipment. Program components include audio-visual equipment and related production techniques; black/white photography; audio production, including equipment and recording; television equipment; television studio production; production distribution.

(4) Construction occupations — general. Learning experiences concerned with all major phases of residential construction from financing to finishing. A

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minimum of five of the following program components shall be included: finance; planning site development; masonry; carpentry; mechanical trades; pipe trades; finishing trades. If a residential unit is to be constructed as a learning experience in this program, it shall not exceed 1,000 square feet. An exception to the square footage maximum may be granted by the commissioner of education when there is a conflict with bona fide local ordinances. A program shall build no more than one unit per year and the unit shall be owned by the school district or center.

(5) Construction occupations planning and management. Learning experiences concerned with all business, planning and preparation essential to begin erection of a project. Program components include: real estate financing, appraising and insurance; small business management, sole proprietorship, limited partnership, corporate management; land surveying; civil technology; landscaping; heavy equipment operation; environmental enrichment; architectural drafting; construction drafting; codes and ordinances; soil testing and permits; equipment and materials; energy conservation factors.

(6) Carpentry occupations and finishing trades. Learning experiences concerned with rough carpentry and residential interior finishing. Program components include: material and fastening devices; form work; scaffolds, ladders and riggings; framing principles, roof framing, stair framing; exterior finish; insulation and dry wall; floor covering; paper hanging, painting and decorating. No residential unit shall be built in this program.

(7) Construction occupations mechanical trades. Learning experiences concerned with the trade areas dealing with heating, lighting, air exchange, and water. Program components include: air conditioning and heating; ventilation; sheet metal; construction electricity; plumbing; pipe fitting; mechanical blueprint reading.

(8) Construction occupations masonry trades. Learning experiences concerned with concrete and masonry areas. Program components include: brick laying; block laying; stone masonry; cement finishing; concrete technology.

(9) Electricity/electronics occupations. Learning experiences concerned with the design, construction, maintenance, and repair of electronic equipment. Program components include: basic electricity; residential/commercial wiring; motor controls; AC-DC electronics; digital electronics; industrial electronics; active devices (tubes and semiconductors); communications.

(10) Graphic arts occupations. Learning experiences concerned with the design, preparation, printing, and assembly of printed materials. Program components include: Layout and design; copy preparation; line photography; halftone photography; continuous tone photography; cold type composition; stripping; plate making; offset presswork; printing inks; paper; bindery; screen printing; letterpress.

(11) Machine shop occupations. Learning experiences concerned with metal properties, machining, and heat treating. Program components include: bench work; grinding principles; blueprint reading; set up and rigidity; machining principles; use of machinery handbooks; cutting tools; feed speeds; drill press; horizontal cut of saw; lathe; horizontal and vertical milling; surface and cylindrical grinding; basic metalurgy, alloys, annealing, hardening, drawing, case hardening and foundry.

(12) Mechanical drafting occupations. Learning experiences concerned with visual communications skills to convey ideas and specifications necessary to manufacture or reproduce mechanical items. Program components include: equipment/instrument usage; sketching; geometric figures; multiview drawing; dimensioning; auxiliary views; pictorial drawing; sectional views; detail and assembly views.

(13) Recreational vehicle repair occupations. Learning experiences concerned with the maintenance and repair of recreational equipment such as snowmobiles, motorcycles, and outboard motors. Program components include: principles of internal combustion engine operation; diagnostic and testing equipment and tools; snowmobiles; marine products; motorcycles; welding; machine tooling; parts; technical manuals.

(14) Service station occupations. Learning experiences concerned with the service, maintenance, and minor repair of automobiles. Program components include: principles of internal combustion engine operation; engine tune-up; lubrication service; exhaust system service; cooling and heating system service; suspension system service; fuel system service.

(15) Small engine repair occupations. Learning experiences concerned with maintaining and repairing small engines used on portable power equipment. Program components include: two-cycle fundamentals; four-cycle fundamentals; rotary engine fundamentals; carburetion; ignition; cooling; lubrication; diagnostic testing equipment and tools; welding; machine tooling; parts; technical manuals.

(16) Welding occupations. Learning experiences concerned with the fusion or separation of metals

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for fabrication or repair purposes. Program components include: blue-print reading; rough grinding; electrode section; identification of metals; arc welding (flat, horizontal, vertical down, and vertical up); oxyacetylene cutting; oxyacetylene welding; brazing and fabrication.

(17) Other industrial occupations. Programs not otherwise defined which meet the vocational program criteria in § 1.00811 B., may be approved.

b. Implementation. In offering a vocational industrial occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall choose when offering a vocational industrial education program:

(a) Summer program of 120 hours for programs 5, 6, 7, 8, 12 and 14.

(b) 140 hours within one school year for programs 5, 6, 7, 8, 12 and 14.

(c) 220 hours within one semester for all programs.

(d) 280 hours within one school year for all programs.

(e) 280 hours within two school years for programs 2, 3, 9, 10, 12, 13, 14, 15 and 16.

(f) Programs 13 and 15 can be combined to meet the 280 hour minimum requirement.

(3) Employment related community-based education: see community-based rules in 5 MCAR § 1.00811 G. An industrial instructor-coordinator can supervise students in any vocational industrial occupations program.

6. Marketing and distribution occupations.

a. Programs. Instruction in marketing and distribution approved programs shall be composed of the following components as related to the occupational area: advertising, communications, display, human relations, mathematics, merchandising, operations/

management, product/service technology, selling, and job-researching skills, work attitudes and behavior.

(1) General merchandise retailing occupations. Learning experiences concerned with various marketing functions and tasks performed by retail employees and management in retail stores.

(2) General marketing occupations. Learning experiences concerned with the general application of marketing functions, principles, practices, and procedures without particular emphasis on the kind of environment in which the marketing functions are performed or the kind of products or services involved. The basic knowledge, skills and attitudes developed in this instructional program are applicable in a variety of industries.

(3) Other marketing and distribution occupations. Instructional programs involving learning experiences which emphasize marketing functions and tasks performed by employees, including management personnel, not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational marketing and distribution program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus a minimum of one of the following application experience options:

(a) In school: a minimum of 280 hours of simulated occupational experience in a one or two year period.

(b) Employment related community based education: see regular cooperative rules. A marketing and distribution instructor-coordinator can supervise students in any vocational marketing and distribution program.

(c) Other options: must meet all program approval criteria in 5 MCAR § 1.00811 B.

7. Service occupations.

a. Programs. Instruction in safety, decisions in

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the use of energy, equipment utilization, self-concept, work attitudes and behavior, leadership and job re-searching skills shall be an integral part of an approved program.

(1) Child care/guidance and education occupations. Learning experiences concerned with human development in personal care institutions and agencies. Program components include: growth and development; interpersonal relationships of children and care-givers; supervision and guidance; health; nutrition and feeding; day care; nursery school; family day care; management/organization, guidance skills; care of persons with exceptional needs; implications of health and welfare agencies on child care services.

(2) Community service occupations. Learning experiences concerned with social and economic services, resource management, rural, urban and community development, public safety, corrections and judicial services, and public transportation operation/management. Program components include: community and public services; service to people as individuals; preserving, managing and restoring natural and artificial environments within the public domain; chart and map preparation; land use studies; preparation of community relations materials; planning of water, sewer line, and transportation layouts; schools/playgrounds; protection of human rights; health, safety and welfare; property rights; exploration of community service careers.

(3) Fashion/apparel/textile occupations. Learning experiences concerned with use of equipment, textile design and production, methods of construction necessary for the production, maintenance, and alterations of clothing and/or industrial household goods. Program components include: clothing production; textiles; alterations; fashion design; selection and coordination; laundry; dry cleaning; accessories; tailoring; management skills.

(4) Food occupations. Learning experiences concerned with planning, preparing, and serving food on a quantity basis. Program components include: sanitation; commercial foods; institutional foods; food procurement; meal planning and nutrition; inter-personal relationships; front and back house operations; management skills.

(5) Grooming services occupations. Learning experiences concerned with services in the areas of personal appearance, skin and hair care. Program components include: Introduction to barbering; introduction to cosmetology; domestic animal grooming; introduction to death-related occupations; inter-personal relationships; management skills.

(6) Housing occupations. Learning experiences concerned with services in the areas of design, care and management of single family and multiple dwellings, commercial and institutional buildings. Program components include: housekeeping/management skills; cleaning/sanitation skills; inter-personal relationships; housing services; interior design/decorating; building/apartment management; city planning/zoning; health and safety in building design and maintenance; elements and principles of design; housing and environment; careers in the housing industry.

(7) Tourism occupations. Learning experiences designed to provide instruction involving the operation of lodging facilities and travel services. Program components include: Planning and providing travel conveniences, recreation activities and leisure time activities; introduction to planning and operating a tourism enterprise; management skills; hospitality and service; tourism enterprise; conventions; interpersonal relationships; careers in the tourism industry.

(8) Other service occupations not otherwise defined which meet the vocational program criteria in 5 MCAR § 1.00811 G., may be approved.

b. Implementation. When offering vocational service occupations programs, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include a minimum of one of the following application experience options:

(a) In school: For all programs in service occupations except grooming services and community service occupations, a minimum of 220 hours in laboratory or simulation and classroom instruction shall be offered within one semester.

(b) In school: For tourism occupations programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within two school years.

(c) In school: For grooming services, simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year.

(d) In school: For child care/guidance and education occupations programs, fashion/apparel/textile occupations programs, food occupations programs, housing occupations programs and community service programs, a minimum of 280 hours of laboratory or

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simulation and classroom instruction offered within one school year.

(e) **Employment related community-based education:** See regular cooperative rules. A hospitality/recreation personal service instructor-coordinator can supervise students in any vocational service occupations program. This program shall include prior or concurrent classroom instruction in the occupational area.

E. To be eligible for aid, the minimum student-instructor staff ratio for each program shall be ten students to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students per section. An exception to the minimum student/staff ratio may be granted by the commissioner of education for a maximum of one year to permit students to complete a sequential program, or during the first year of a new program.

F. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

G. **Community-based education.** When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the rules for the community-based education option of a program as stated below:

1. **Single vocational area coop — regular coop.**

a. The authorized local administrator shall assign coordination time for the instructor-coordinator in blocks of time large enough for efficiency, such that the staff can contact the employer during hours when the student is working. Preparation time for the instructor-coordinator shall be assigned separately from coordination time.

b. A district or center shall provide coordination time for the instructor-coordinator at a minimum of 25 minutes per week per student on supervised employment.

c. Training stations shall be available to at least half of the coop students prior to the commencement of the program.

d. The student shall be on the job an average of

at least two hours per day that school is in session. An exception for this rule may be granted by the commissioner of education for handicapped persons whose physical or emotional disability prevents them from working a two hour day.

e. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer and instructor-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program.

f. The coop experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required.

g. The coop experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students.

h. Age certificates shall be submitted to the Minnesota state department of labor and industry.

2. **Multiple vocational area coop — diversified occupations/interrelated coop.**

a. 5 MCAR § 1.00811 G. 1. rules shall be met.

b. Diversified occupations/interrelated coop shall serve students from more than one vocational program area.

c. A student shall possess, or acquire concurrently, skill competencies related to his/her stated career objective(s) as stated in the component section of the vocational program area which relates to that stated objective.

3. **Special needs coop — community-based education designed specifically to develop employability competencies for special needs students.**

a. All programs shall meet the following criteria:

(1) 5 MCAR § 1.00811 G. 1. rules shall be met.

(2) Students selected for these programs shall

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meet the definition of handicapped or disadvantaged. A committee consisting of teachers involved in general and vocational education, counselors and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in the state board of education rules and shall be limited to students who cannot succeed in regular vocational programs.

(3) Proof that all students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

b. Work experience career exploration.

(1) 5 MCAR § 1.00811 G. 3.a. rules shall be met.

(2) Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year.

(3) The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations.

(4) The training agreement, not including the training plan, shall be submitted to the commissioner of education upon placement of the student.

(5) Employment certificates shall be submitted to the Minnesota department of labor and industry.

c. Work experience disadvantaged.

(1) 5 MCAR § 1.00811 G. 3.a. rules shall be met.

d. Work experience handicapped.

(1) 5 MCAR § 1.00811 G. 3.a. rules shall be met.

(2) The maximum number of students enrolled in the work experience handicapped coop shall be 23 students when the instructor-coordinator is responsible only for the vocational area of instruction. When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the state board of education rules.

(3) The training agreement and training plan shall be in accordance with the special education indi-

vidual educational plan in the state board of education rules Edu 120 A. 3.

(4) The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.

§ 1.00821 Administrative services.

A. Vocational administrative services shall be designed to assist students to meet vocational objectives.

B. When a local education agency provides vocational administrative services, students in vocational programs shall be provided administrative services which are available to all students in the district(s) in addition to the vocational administrative services.

C. A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per 20 vocational instructional staff in approved programs or one half-time administrator per ten vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent.

D. No proration occurs between 0 and 9 and 21 and 30, however, when instructional staff in approved programs exceeds 30, a local educational agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of 30 staff to one full-time equivalent administrator.

E. Local education agencies eligible as of July 1, 1978, for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service prior to July 1, 1981, may apply to the commissioner of education for an exception to the rule. An exception will be granted when instructional quality and efficiency would be improved by the exception. Administrative time involved in general education is not eligible for vocational aid.

§ 1.00831 Support services.

A. Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

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1. One full-time equivalent support service manager to 60 full-time equivalent students.

2. One full-time equivalent technical tutor to ten full-time equivalent students.

3. One full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate.

4. One full-time equivalent interpreter to one full-time equivalent student or more as appropriate.

5. One full-time equivalent training specialist in modified vocational course to ten full-time equivalent students.

6. One full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation programs.

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full-time.

B. A minimum of one half-time authorized local administrator shall exist prior to implementation of a placement program. A district or center shall be eligible for aid for licensed vocational placement specialist personnel at the minimum ratio of one full-time equivalent placement specialist per 20 vocational instructional staff or one-half time equivalent placement specialist per ten vocational instructional staff. Two or more districts or centers may combine the number of instructional staff to be eligible when the services are provided under the direction of one vocational administrator acting on behalf of the group of boards. Proration is not allowable.

C. In offering an approved child care and guidance occupational program, a local education agency may be eligible for up to one full-time equivalent licensed aide or licensed preschool teacher per full-time equivalent vocational instructor, when licensure of the facility is required by an outside agency or when necessary for the protection and safety of preschool children. Aid is available for those sections when the preschool is used as a laboratory for at least 15 secondary students, the children, and the aide or preschool teacher is responsible only for the educational program of the preschool children.

§ 1.0084 Vocational aid. State payments shall be based upon the estimated budget for approved programs oper-

ated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Payment of aids for such categories shall not exceed 100 percent of the estimated budget.

A. Salaries. A local education agency shall be eligible for aid at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs.

1. A district or center shall be eligible for vocational aid for extended employment at a maximum rate of:

FTE instructor	6 days
FTE instructor-coordinator	4 weeks

2. A district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:

Maximum Vocational Preparation Time Eligible for Aid

Average daily length of vocational assignment in instructional contact hours	Maximum preparation time in hours per day
Vocational instructional contact 1.0 hours or less	0.0 hours
Vocational instructional contact hours greater than 1.0 but less than or equal to 3.0	.5 hours
Vocational instructional contact hours greater than 3.0	1.0 hours

3. A district or center shall be eligible for vocational aid for substitute staff holding vocational licensure appropriate for responsibility when aid is not being requested for salary for regular staff for the same time as the substitute.

B. Travel. A district or center shall be eligible for aid at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school

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sites and cooperative training stations where students are located or to arrange job sites. Student transportation is not eligible for vocational aid.

C. **Equipment.** A local education agency shall be eligible for aid at a rate up to 50 percent for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

D. Aid limitations.

1. Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid.

2. When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures not eligible for vocational aid which are directly related to the products or services sold. If the revenue from sale of products or services exceeds the costs to produce those products or services in any fiscal year, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

3. When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served.

§ 1.0085 Vocational aid application procedure. The authorized local administrator shall be responsible for submitting annual program budget, program budget amendments and annual report.

A. To be eligible for vocational aid, annual program budget shall be submitted by February 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by April 30. Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.

1. To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education.

2. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

3. An authorized local administrator, a group of

districts and centers, or the commissioner of education may request a hearing. Such hearings shall be scheduled between February 1 and May 15 and shall discuss the rationale for program and planned revenue and expenditures.

a. Districts or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for their review.

b. The results of the review shall be transmitted to the local board of education in writing.

B. Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when:

1. The total requested budget varies plus or minus more than ten percent from the approved program budget, or

2. The change in budget between programs, administrative or support services exceeds 20 percent.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

C. **Annual report.** Districts and centers shall maintain records of revenue and disbursements for programs, administrative and support services for which vocational aid is requested in accordance with the uniform financial accounting and reporting system. Final report data shall be submitted to the commissioner of education by August 15 of each year.

§ 1.0086 Student eligibility.

A. A student who is eligible to attend a Minnesota senior secondary public school is eligible to enroll in the vocational programs of the school. A student enrolled in a work experience/career exploration (WE/CEP) program is excepted from this student eligibility requirement.

B. Students from other states or provinces may be served. When nonresidents of Minnesota are provided approved instructional programs, administrative and support services in Minnesota districts or centers, aid requests shall be prorated to reflect only the percentage of Minnesota students being served.

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[EDU 61 Vocational education, reimbursed programs.]

[A. Courses in vocational education are based upon the Minnesota state plan for vocational education.]

[B. Reimbursement. A school district to be eligible for vocational aid shall meet the requirements of the Minnesota state plan for vocational education, and the amount of reimbursement to be granted such districts for approved vocational classes shall be determined by the state board for vocational education (state board of education) on the basis of available funds. (EDU 1956s 5020;1959)]

Chapter Six: [Classification Standards for Area Vocational-Technical Institute] **Post-Secondary Vocational-Technical Education**

[Edu 100] § **1.0100** Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the state board for vocational education (state board of education). [Applications shall be reviewed and processed as prescribed in Minn. Stat. § 121.21.]

[Edu 101] § **1.0101** Basis for approval. The state board for vocational education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the state board for vocational education shall be eligible to receive post-secondary vocational-technical aids. All post-secondary vocational-technical aids and levies must be expended only for approved programs within the budget approved by the state board for vocational education. [under Minn. Stat. § 124.561.] [All materials or equipment developed or purchased by an area vocational-technical institute through the use of Minnesota state tax funds shall reflect the proportionate share of state ownership to the percentage of state funds used.] Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

[Edu 106] § **1.0102** Program approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

[A.] [Sufficient space and equipment shall be provided for the post-secondary vocational-technical program.]

[1.] [The program advisory committee for each program offering shall annually review space and equipment and make recommendations to the local board and the director of the institute for review and consideration. This may also be reviewed and approved annually by the division of vocational-technical education.]

[B.] [Sufficient and appropriate work stations in all post-secondary supervised cooperative education or internship programs.]

A. Appropriate work stations for each student shall be provided in all post-secondary supervised cooperative education or internship programs.

1. Training agreements and training plans shall be used by all supervised cooperative education and internship programs and shall be on file in the area vocational-technical institute.

2. Training assignments and work stations shall be evaluated by the students, the employers and the staff and these evaluations shall be [written and formal.] **in writing.** All programs, including cooperative and internships, shall be supervised by the appropriate area vocational-technical institute instructional staff.

[3.] [All federal and state wage and hour statutes shall be adhered to as related to cooperative and internship programs.]

[4.] [Tuition as specified in Edu 102 shall be charged to the student generating average daily memberships only when supervised by the instructional staff.]

[5.] **3.** Length of intership shall be established by the [program advisory committee] **local board** after receiving **the** recommendation of the program advisory committee and approved by the [division of] **commissioner for** vocational-technical education, except when the internship program is regulated by the accrediting agencies related to that program.

[C.] [Qualified occupationally competent, certificate instructors shall be employed by local districts. All instructional personnel shall be certificated under the provisions in the state plan for vocational-technical education and shall hold such certificates and licensure as required to practice in their field.]

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

[D.] B. A program's advisory committee shall include membership of persons employed in that occupation or at a supervisory level of that occupation and shall be appointed by the local board.

1. The program advisory committee shall choose from its membership a chairperson and other officers as it deems necessary.

2. Each program advisory committee shall meet at least once a year and more often if deemed necessary by the advisory committee or the director.

3. The program advisory committee shall review annually the following appropriate criteria and make recommendations to the local board and the administration:

- a. Curriculum;
- b. Facility and equipment;
- c. Staff recruitment;
- d. Student recruitment;
- e. Student placement;
- f. Job availability.

4. Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the [division of vocational-technical] **commissioner of education**.

[E.] [Each area vocational-technical institute shall conduct an annual evaluation based on the goals and objectives of the vocational-technical programs as approved by the state board for vocational education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the division of vocational-technical education.]

[F.] C. All **major** program [modifications] **redirections** shall be reviewed and approved by the [division of vocational-technical] **commissioner of education** prior to implementation.

[G.] D. The [division of vocational-technical] **commissioner of education** shall review and approve program title, length, and curriculum modifications.

[H.] E. The cost [effectiveness] of the program[.] shall be related to the benefits of students and business and industry.

[I.] F. [Regular] **Instructional** programs shall have an enrollment of [10] ten or more students per program. When more than one program section is in operation an average may be used. All vocational-technical programs [will] **shall** be limited to a maximum of 24 students per section. Exemptions shall be given where licensure requirements are specifically established or on recommendations of other state industry groups. Exemption may be granted by the [Assistant] commissioner of [Vocational-Technical] education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the [10] ten-student criteria in order to receive subsequent approval.

[J.] G. Post-secondary instruction shall be provided on either a full-time or part-time basis by the local district.

1. Full-time student day means six-clock hours per day or a total of 30 hours per week in laboratory and shop subjects, technical subjects, related subjects, and supervised on-the-job work experience of cooperative or internship programs.

[2.] [Part-time instruction means less than six hours per day, as indicated in 1 above, based on the needs of the student and the occupation being served.]

2. An extended time student shall have a maximum attendance of nine hours per day or 45 hours per week.

[3.] [Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average daily membership equivalent for funding purposes.]

3. Part-time instruction means less than six hours per day, based on the needs of the student and the occupation being served. Provision for part-time students shall be at the discretion of the local district subject to the program approval process with the state board for vocational education.

4. A part-time student shall have a minimum attendance of five hours per week with a minimum of one hour in any one day.

5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.

6. Part-time students shall be dropped from aid eligibility records when they have been absent all scheduled days of attendance in a 15 day period of full time operation.

PROPOSED RULES

[K.] **H.** Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, [exceptional] **special needs** students may be exempt from the placement criteria. [An exceptional student is such person who has characteristics that may preclude job placement. Exceptional students shall be identified to the division of vocational-technical education.] Placement and enrollment reports shall be submitted to the [division of vocational-technical] **commissioner of education** upon request.

[L.] **I.** The state board for vocational education may exempt students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.

[M.] **J.** The local district shall be responsive to current and projected manpower needs and the population groups to be served in the various geographic areas and communities of the state.

[N.] [Districts shall maintain accounting and reporting records according to the uniform financial accounting and reporting system as specified in Laws of 1973, ch. 683, § 22. Such accounting and reporting records shall be available to the division of vocational-technical education. Information necessary for the conduct of the state's program of vocational-technical education shall be made available to the division on request.]

K. Each director of an area vocational-technical institute shall conduct an annual evaluation based on the goals and objectives of the vocational-technical programs as approved by the state board for vocational education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the commissioner of education.

L. Evaluation visits shall be made by the commissioner of education at the rate of 11 area vocational-technical institutes per year, or more, for the purposes of conducting on-site evaluations of the existing programs in each institute. A cycle of program evaluations by experts from business and industry will be completed every three years. Self-evaluation shall be submitted by the institutes to the commissioner of education in the intervening years.

[Edu 107] § 1.0103 [Ancillary] **Administrative and sup-**

port service requirements. The [district] **local board of education** shall provide for:

A. Vocationally [qualified] **licensed** administrative and supervisory staff as per [certification requirements of] the Minnesota state plan for vocational-technical education.

1. The [institute] **director of an AVTI** shall have an administrative advisory committee of representatives from the service area.

2. The total administrative/supervisory development staff shall not be more than one full-time equivalent (F.T.E.) for 12 F.T.E. instructors, except upon application for variance to the [Assistant] commissioner of [for Vocational-Technical] education.

3. Staff whose function is business, purchasing, or personnel affairs of the school district shall not be included in the above ratios.

4. Upon **written** notification to the state board for vocational education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the state department of education.

5. For those local districts who employ differentiated staffing for their operation, the total staff ratio shall not be less than 1 to 10 students or a combination of some of, or all of the following ratios:

1 — supervisor	= .1
1 — instructor	= 1.0
1 — instructor aide	= .7
1 — clerical aide	= .3
1 — student aide	= .3

B. [Pupil] **Student** personnel services.

1. [Pupil] **Student** personnel staff employed shall meet [certification] **licensure** requirements in the state plan for vocational-technical education.

2. Each institute shall have at least one [pupil] **student** personnel staff person for each 400 average daily memberships.

3. The [pupil] **student** personnel services shall provide for:

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PROPOSED RULES

- a. Admission counseling;
- b. Career counseling;
- c. Personal counseling;
- [d. Student financial assistance]
- [e.] **d.** Placement and follow-up program.
- [f. Student accounting]

4. Student financial aid assistance administrator shall be provided and not included in the ratio set forth in B. 2. above.

[4.] **5.** Adjustments to the [pupil] **student** personnel ratio based on special make up of the student body in a given location may be [considered] **approved** by the [assistant] commissioner of [vocational-technical] education.

[C.] [Maintenance of buildings and grounds.]

[Adequate buildings, grounds, and security staff shall be provided to maintain acceptable standards of cleanliness and operation.]

C. Secretarial and clerical staff shall be employed.

[D.] [General secretarial/clerical staff:]

[Adequate secretarial and clerical staff shall be employed.]

D. The business manager shall establish and manage a fiscal and statistical system in compliance with Minnesota statutes affecting the governance of an area vocational-technical institute for all expenditures and revenue accounts.

[Edu 102] § 1.0104 Foundation Aid.

A. [All students attending approved post-secondary vocational-technical programs] **A school district operating an area vocational-technical institute shall be eligible [for] to receive post-secondary vocational foundation aid [under Minn. Stat. § 124.562] for all students attending approved post-secondary vocational-technical programs.**

B. Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports [for the prior year] and that shall be the basis for beginning foundation aid payments.

C. Changes in estimates as authorized in Minn. Stat. § 124.11 shall be approved by the assistant commissioner of

vocational-technical education before payment [by the State Aids, Statistics, and Research Section.] **is authorized by the department.**

D. Final adjustment data shall be submitted by [July 20] **August 15** of each year.

E. Only days in which school is open and students are under the supervision and guidance of teachers and for educational purposes are eligible for foundation aid. Snow days are not to be counted.

[E.] **F.** Tuition and fees.

1. [Fees deductible] **Deductible fees** [under Minn. Stat. § 124.562] shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee. A nonrefundable processing fee for application may be charged not to exceed \$10.00, **and the processing fee shall not be deductible from foundation aid.**

2. All tuition paid **in advance** shall be refundable on a [pro-rata] pro rata basis as of the day of **official** termination.

[3.] [Tuition shall be collected in advance but shall not exceed 30 instructional days' advance payment.]

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule.

[4. Tuition-paying students in arrears more than 30 instructional days shall be ineligible for foundation aid.]

4. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in advance of the time period but a student may pay in advance. Tuition may be delayed only upon application for tuition subsidy to the higher education coordinating board or guaranteed receipt from an agency.

5. A late penalty may be charged not to exceed \$10.00 per period established pursuant to F. 4 of this rule. Penalty payments shall be deducted from foundation aid. The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local funds. Tuition loss due to deferment during student application for tuition subsidy shall not be deducted from foundation aid. Stu-

PROPOSED RULES

dents shall not apply for a tuition subsidy more than once during a collection period.

7. Students on internships shall pay tuition for the time period claimed for foundation aid. Daily hours shall not exceed six unless the students are fully supervised under personnel provided by the institute.

8. Each district shall have an attendance policy. Students who notify the school of their withdrawal shall be dropped from the roll upon date of notification. Students absent for 15 consecutive school days shall be classified as withdrawn.

9. Students in continuous enrollment programs may be maintained on the roll for a vacation or a personal leave not to exceed 15 consecutive school days.

[Edu 103] § 1.0105 Capital expenditure aid.

A. Districts shall be eligible for capital expenditure aid when foundation aid, tuition, fees, and mandatory levy are insufficient to provide for capital purchases.

B. All equipment not approved in the budget review, purchases at a cost in excess of [\$2,000.00] **\$4,000.00** must be preapproved by the [division of] **commissioner of** [vocational-technical] Education.

C. All equipment shall be accounted for by the standard inventory control system.

D. Repairs on facility, equipment, or improvement of grounds that exceed [2,000.00] **\$4,000.00** and not included in the budget review shall be included in B. for approval.

[E.] [Total accumulative minor facility remodeling requests shall not exceed \$75.00 times the average daily membership of the previous year. Projects in excess of this shall be submitted as major construction under the requirements of the state plan for vocational-technical education.]

§ 1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set

forth in the state plan, the state board may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

C. When area vocational-technical institute construction becomes eligible for federal financial participation under acts other than 20 U.S.C. § 1262, eligible aid will be prorated.

[Edu 104] § 1.0107 Categorical aid.

[A. Districts operating high cost/high demand programs expending in excess of funding available through foundation aid, capital expenditure aid, and local mandatory levy shall be eligible for categorical aid.

B. The distribution of categorical aid shall include the following criteria:]

The distribution of categorical aid shall include the following criteria for **districts operating high cost programs which require expenditures in excess of funding available through foundation aid, capital expenditure aid, and local mandatory levy:**

[1.] A. Preservation of the present plant and equipment.

[2.] B. Development of programs for emerging business and industry.

[3.] C. Unique programs designed to serve special populations.

[4.] D. Educational services for special populations.

[5.] E. Services outside the regular geographic area.

F. High equipment costs.

G. High operating costs.

H. Rules and regulations imposed by other regulatory bodies which may affect the student teacher ratio as well as operating equipment costs.

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PROPOSED RULES

[Edu 105] § **1.0108** Debt service aid. Districts eligible for debt service aid [under Minn. Stat. § 124.564] shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the [division of vocational-technical] **commissioner of education** in the budget request.

[Edu 108] § **1.0109** Student [entrance] eligibility. [All students shall be eligible for enrollment to post-secondary programs regardless of race, color, creed, religion, sex, national origin, marital status, residency, or status with regard to public assistance or disability.]

[a.] [The student is at least 16 years of age.]

[b.] [He has completed or terminated his secondary education.]

[c.] [That no federal or state statute or regulation specifically provides for valid exclusions for such things as health conditions, age, or certain physical conditions.]

[Non-high school graduates less than 18 years of age shall be required to involve their secondary school administrator and/or counselor and parent or guardian in the application process.]

A. The student shall be at least 16 years of age and shall have completed or terminated secondary education. Non-high school graduates less than 18 years of age shall, when possible, involve their secondary school administrators and/or counselors and parents or guardian in the application process.

[d.] **B.** Resident status shall be determined at the time of each registration according to the permanent residence of the student's parents or guardian for students under 18 years of age, and according to the permanent residence of the student if he/she is 18 years of age or older. In addition:

1. Any student who has graduated from a Minnesota high school and has not established legal residence in any other state shall be considered a resident of Minnesota. Service in the armed forces of the United States shall not be considered a disruption of continuous residence.

2. Any student who has been employed full-time in Minnesota prior to the date of entrance to an area vocational-technical institute shall be granted resident status, provided all income derived from such employment was subject to taxation by the state of Minnesota and the person meets the residency requirements of a qualified voter in the state.

3. The spouse of a Minnesota resident shall be granted resident status provided:

a. That he [or] /she is living with his [or] /her spouse.

b. That the couple's place of residence is within the state of Minnesota.

This rule shall apply regardless of the age of either spouse.

[Edu 109] § **1.01101** Student organizations.

[a.] **A.** Student **professional** organizations shall be an integral part of all program offerings **when the organization is approved by the state board.**

[b.] **B.** Costs related to state board for vocational education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

Chapter Six-A: Adult Vocational-Technical Education

§ **1.0111** Scope. These rules govern the operation of adult vocational-technical programs offered by the public schools of Minnesota. A school district or cooperative center desiring to offer adult vocational-technical programs for which state aids are to be received shall be in compliance with these rules.

§ **1.0112** Instructional program approval. The following requirements shall apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. An overall adult vocational-technical advisory committee or program advisory committees for each occupational area shall be maintained which shall meet one or more times a year. Nothing shall prevent a district or center from having both. Local school personnel shall not be members of advisory committees within the district or center except as ex-officio nonvoting members.

B. Instructional staff shall hold a valid adult vocational-technical license in the area for which aid is claimed. Adult instructors serving over 500 clock hours on an annual basis shall meet full-time licensure requirements.

C. Administrative services shall be provided to administer the adult vocational-technical program needs.

D. Part-time programs shall have an enrollment of ten or more enrollees per program. When more than one program section is in operation, enrollment shall average ten or more enrollees.

E. Programs with full-time adult enrollees shall meet the following criteria:

PROPOSED RULES

1. Shall employ a minimum of a one half-time instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators who have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. Programs not meeting the minimum enrollment prior to July 1, 1982, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

3. Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their business accounts. Programs not meeting the minimum enrollment prior to July 1, 1981, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

4. Full-time adult education programs except adult farm management and small business management shall have a minimum student enrollment of 14.

F. When an existing program does not meet the minimum enrollment, the program shall be placed on probation for one year.

G. The local district or center shall conduct an annual evaluation as prescribed by the commissioner of education. Programs subject to review by national or state accrediting bodies shall, 30 days prior to that review, provide the date of the review to the department of

education and have on file copies of all information supplied to the review body.

§ 1.0113 Administrative services. The district shall:

A. Designate one authorized local administrator as being in charge of adult vocational-technical programs for the district.

B. Be eligible for aid for the salary of one FTE adult vocational licensed administrative staff when either of the following ratios are met. The same ratios shall be applied for calculation of additional administrative staff.

1. The district enrolls two thousand or more adults annually in approved vocational programs. Adults enrolled in more than one program may be counted in each program in which they are enrolled.

2. The district, through the adult vocational administrator, provides supervision to all full-time adult instructors and maintains 2500 instructional hours of part-time adult vocational education. Adult programs with full-time adult enrollees shall earn 200 instructional hours toward this requirement.

3. Districts not meeting the minimum ratios in Items 1 and 2 above may request an exception from the commissioner of education on an annual basis until July 1, 1982. An exception will be granted when instructional quality and efficiency would be improved by the exception.

§ 1.0114 Vocational aid criteria. The school district shall:

A. Annually submit an adult vocational-technical program budget for the following fiscal year by January 1.

B. Expend adult vocational education revenue solely for the purpose of adult vocational education programs.

C. File an amended budget for over expenditures exceeding ten percent and under expenditures exceeding five percent of the total budget when such changes affect the state obligation for aids. To be eligible for aid for the over expenditures, the amended budget must be approved by the commissioner of education.

D. Obtain approval from the commissioner of education for changes in budget allocation between occupational program areas.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

E. Submit budget adjustment data for the current fiscal year to the commissioner of education by February 15. Final budget data shall be submitted by August 15 following each completed fiscal year.

F. Be eligible to be paid aids for:

1. Seventy-five percent of salaries paid to essential licensed personnel. Costs derived from engaging the services of specialists, guest lecturers and resource personnel as a part of an approved program are eligible for aid if licensure requirements are met.

2. Fifty percent of necessary travel costs of essential licensed personnel between instructional sites.

3. That portion of time of essential licensed personnel allocated to adult vocational programs.

§ 1.0115 Tuition and attributable costs:

A. The school district or center shall determine tuition and fees except where cited below.

B. Differential tuition rates may be charged for non-residents versus residents of a district.

C. Attributable costs for individuals enrolled in a full-time adult farm management education program for more than six years, or a small business management

education program for more than three years, shall be charged on an hourly basis. The hourly charge shall be determined by dividing the total direct cost of the program by the hourly assignment of the instructor. A full-time instructor load shall constitute 1200 contact hours. Record analysis fees are in addition to attributable costs.

D. Direct costs shall be determined by the sum of costs for instructional staff salary and travel between instructional sites.

§ 1.0116 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

[EDU 69 Adult vocational education]

[A. Adult vocational education.]

[1. Adult vocational education shall be designed to assist people in preparing for gainful employment, to help those already employed or under-employed, to acquire new skills or to further their employment status or to maintain it. Adult vocational education shall also be designed for consumer homemaking and family living education. All adult vocational education shall be conducted in accordance with the state plan for vocational-technical education. (EDU 1974; 1975)]

OFFICIAL NOTICES

Department of Commerce Banking Division Bulletin

No. 1799

Maximum Lawful Rate of Interest for Mortgages for the Month of December, 1977

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to Minn. Stat. § 47.20, the Conventional Home Loan Assistance and Protection Act, as amended by Laws of 1977, ch. 350, hereby determines that the maximum lawful rate of interest for home mortgages for the month of December, 1977, is nine (9.00) percent.

Robert A. Mampel
Commissioner of Banks
November 14, 1977

Department of Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion

On a Proposed Rule Requiring Prior Approval of Rates for Credit Personal Property Insurance

Notice is hereby given that the Department of Commerce, Insurance Division, shall entertain considerations for a rule requiring filing of all rates and rate changes with the Commissioner at least 30 days before they become effective according to Minn. Stat. § 70A.10, subd. 1 (1976) by all insurance companies insuring personal property purchased under a credit transaction or a credit transaction involving a debtor pledging personal property for collateral. This provision expressly authorizes the Commissioner to establish such a rule if, after a hearing, he finds that competition is not an effective regulator of rates charged or that a substantial number of companies are competing irresponsibly or that there are widespread violations of chapter 70A, the Minnesota Rate Regulation Act. Prior to Laws of 1977 ch. 375 amending Minn. Stat. § 70A.06, subd. 3 (1976) credit

personal property insurance was not subject to rate regulation. All interested or affected individuals or groups are requested to submit their considerations relating to such a rule.

Proposals, information and comment shall be submitted in writing and may be addressed to:

Mary E. Mahoney
Assistant to the Commissioner
Insurance Division
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101

All statements of the information and comment must be received within Thirty (30) days of the above date.

Berton W. Heaton
Commissioner of Insurance and
Chairman Commerce Commission

Environmental Quality Board

Notice of Intent to Solicit Outside Opinion on Selected Amendments to the Rules of the Environmental Review Program

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.042, subd. 6, that the Environmental Quality Board is considering amending the rules governing the procedures of the Environmental Review Program (EIS).

All interested parties desiring to submit data or views relating to all aspects of the environmental impact statement process, consistent with the Minnesota Environmental Policy Act, Minn. Stat. § 116D, should address their comments to Tom Rulland, Manager, Environmental Management Programs, Room 100, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, telephone: 612/296-2319. All materials must be received by January 1, 1978.

Dated: November 15, 1977

Minnesota Environmental Quality Board
Peter Vanderpoel, Chairman

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