

State



STATE OF
MINNESOTA

Register

RECEIVED

FEB 21 1978

HIGHLIGHTS LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155

EXECUTIVE ORDERS

Providing Assistance to Polk County in the Search for
Stranded Motorists 1513

RULES

Amendments to Designated Ten-Ton Routes for 1978 1514
Public Transit Subsidy and Demonstration Grant Programs 1515

PROPOSED RULES

Amendments to Rules for Real Estate Brokers and the
Securities Act 1518
Board of Education Financial Accounting Reporting
Requirements, and Licenses for School Superintendents
and Principals 1539
Contents of Applications for Certificate of Need for Gas
Storage Facilities and Pipelines 1548
Contents of Applications for Certificate of Need for Oil
Storage Facilities, Pipelines and Oil Refineries 1560
Homeownership Assistance Fund Program 1575

OFFICIAL NOTICES

Human Rights Settlements Agreements 1577
Notice of Hearing on Rules Relating to Outpatient Drug
Treatment Programs 1583
Notice of Hearing on Rules Relating to Aid to Families
with Dependent Children Program 1583
Notice of Application and Opportunity for Hearing on
Retirement and Removal of Track at Red Wing, Minnesota 1583
Notice of Application and Opportunity for Hearing on
Retirement and Removal of Track at Owatonna, Minnesota 1584

A detailed table of contents appears inside.

VOLUME 2, NUMBER 33

February 20, 1978

State Register

Notice of *State Register* Format Changes

Beginning with *State Register* Vol. 2, issue No. 26, dated January 2, 1978, the Office of the State Register will be making the following enhancements in the *State Register* format:

- Highlights on the front cover will be arranged under section headings, as they appear within the *State Register*, and will include page numbers. The Highlights section will also include a notation directing readers to a more complete table of contents within the issue.
- An introductory statement will be included for each section of the *State Register*. These statements will give a brief explanation of the kinds of material contained in the section; effective lead times for notices of hearing, rules, or executive orders; and cites to applicable statutes.
- A new key using strike outs to indicate deleted language and underlining to indicate new language. Strike outs and underlining in proposed rules will indicate changes from original language to proposed new language. Strike outs and underlining in adopted rules will indicate changes from proposed to adopted language.
- Guide rule-numbers will be printed, when applicable, at the outside top of each page to indicate the beginning rule number on the left hand pages and the ending rule number on the right hand pages.
- Chapter and rule numbers that begin the text of an adopted or proposed rule will be printed in bold face.

Materials published in the *State Register* are public records under Minn. Stat. § 15.17. The State of Minnesota has reserved a copyright to cross reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Wednesday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630.

Copyright © 1978 State of Minnesota

Rudy Perpich
Governor

James Clancy, Paul Hoffman, Robin PanLener
Editorial Staff

Richard L. Brubacher
Commissioner
Department of Administration

Cindy Peterson
Secretarial Staff

CONTENTS

EXECUTIVE ORDERS

Executive Order Number 167

Providing for Assistance to Officials to Polk County,
Minnesota 1513

RULES

Department of Transportation

Adopted Amendments to Designated Ten-Ton
Vehicles for Calendar Year 1978 1514

Adopted Temporary Rules Governing Implementation
of Public Transit Subsidy and Demonstration
Grant Programs 1515

PROPOSED RULES

Department of Commerce Securities Division

Proposed Amendments to the Existing Rules for Real
Estate Brokers and Salespersons and the Securities
Act; Adoption of New Rules Relating to Continuing
Real Estate Education 1518

Department of Education Board of Education

Proposed Rules Governing Financial Accounting
Reporting Requirements; and Issuance and
Renewal of Licenses for School Superintendents
and Principals; and the Repeal of EDU 8
and EDU 330 1539

Energy Agency

Proposed Rules Governing Contents of Applications
for Certificates of Need and Criteria for Assessment
of Need for Large Liquefied Gas Storage Facilities,
Large Underground Gas Storage Facilities, and Large
Gas Pipelines 1548

Proposed Amendment of Rules Governing Contents
of Applications for Certificates of Need and
Criteria for Assessment of Need for Large LPG
Storage Facilities, Large Oil Storage Facilities,
Large Petroleum Pipelines and Oil Refineries,
EA 1001-1091 1560

Housing Finance Agency

Proposed Rules Relating to the Homeownership
Assistance Fund Program 1575

OFFICIAL NOTICES

Department of Human Rights

Settlement Agreements and Predetermination
Agreements From December 21, 1977 through
January 31, 1978 1577

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on
Standards for Outpatient Treatment for Programs
for Peoples With Alcohol and Other Drug
Problems 1583

Notice of Intent to Solicit Outside Opinion on Rules
Governing the Administration of the Aid to
Families with Dependent Children Program 1583

Department of Transportation

Notice of Application and of Opportunity for Hearing
Regarding Petition of Chicago and North Western
Transportation Company for Authority to
Retire and Remove Track Located at Red
Wing, Minnesota 1583

Notice of Application and of Opportunity for Hearing
Regarding Petition of Chicago and North
Western Transportation Company for Authority
to Retire and Remove Track Located at Owatonna,
Minnesota 1584

MCAR AMENDMENTS AND ADDITIONS

The following is a cumulative listing of all proposed and adopted rules published in the *State Register* from Volume 2, Issue 1, to the present issue. The listing is arranged in the same order as is the table of contents to the *Minnesota Code of Agency Rules (MCAR)*. All adopted rules published in the *State Register* and listed below amend and/or add to the rules contained in the MCAR set.

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

SecStat 301, 502-599, 601, 604-699, 902, 903, 1102, 1101-1199, 2101-2106, 2108-2111, 2113, 2115 (proposed) 784

Part 3 State Treasurer

TRE 1-14 (proposed) 662
 TRE 1-15 (adopted temporary rules) 1443
 TRE 1-15 (proposed) 1501

TITLE 2 ADMINISTRATION

Part 1 Administration Department

SBC 101-111, 201-204 (proposed) 837
 SBC 6001-6006 (adopted) 173
 SBC 6101-6107 (adopted) 806
 SBC 6201-6205 (proposed) 1095
 ASHRAE Standard 90-75 pp. 22, 28, 34 (proposed) 1096

Part 2 Personnel Department

Persl 4, 9, 11-12, 19, 21-22, 24, 28-29, 31, 39-40, 46-47, 61, 65-66, 68, 82, 85, 97, 106, 109, 129, 131, 133, 135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182, 203, 224-254 (proposed) 254
 Persl 4, 9, 11-12, 19, 21-22, 24, 28-29, 31, 39-40, 46-47, 61, 65-66, 68, 82, 85, 97, 106, 109, 129, 131, 133, 135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182, 203, 224-254 (adopted) 1236
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 141, 144, 181, 203 (proposed temporary rules) 50
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules) 308
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules) 949
 Persl 275-285 (proposed) 92
 Persl 275-282 (adopted) 1494

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0109-1.0113 (proposed) 1394
 3 MCAR § 1.0338 (proposed) 1246
 3 MCAR §§ 1.0563-1.0568 (proposed) 248
 3 MCAR §§ 1.0563-1.0568 (adopted) 948
 3 MCAR §§ 1.0583-1.0585 (proposed) 694
 3 MCAR §§ 1.0600-1.0603 (proposed) 1459
 Emergency Rules 1, 2 (adopted emergency rules) 128

Part 2 Livestock Sanitary Board

3 MCAR §§ 2.002, 2.005, 2.042 (proposed) 194
 3 MCAR §§ 2.005, 2.042 (adopted) 1393
 3 MCAR §§ 2.002, 2.040 (proposed) 930
 3 MCAR § 2.041 (adopted) 915

TITLE 4 COMMERCE

Part 1 Commerce Department

BD 226, 227 (proposed) 177
 Ins 90, 92 (proposed) 183
 Ins 90, 92 (adopted) 1164
 Ins 150 (proposed temporary rules) 1051
 Ins 150 (adopted Temporary) 1494
 Ins 180-188 (proposed) 178
 Uniform Conveyancing Blanks 1463

S Div 1501, 1503, 1505-1506, 1508-1509, 1511, 1513, 2011, 2027, 2138 (proposed) 1520

Part 3 Public Service Department

PSC 2, 5 (adopted) 977
 PSC 120, 122-124, 128 (adopted) 1050
 PSC 390-395 (adopted) 834

Part 4 Cable Communications Board

MCCB 2, 20, 46-55, 61-62, 64-77, 80, 91, 99, 103, 111-113, 121, 134, 136, 166-168, 170-171, 201, 225 (adopted) 1028

Part 5 Abstractors Board

Abs 1-10 (adopted) 1378

Part 6 Accountancy Board

Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63, 70-74, 80-84, 110-112, 120-121, 140-141, 150-151, 220-429 (adopted) 145
 Accy 150, 160 (adopted) 1028

Part 7 Board of Architecture, Engineering, Land Survey and Landscape Architecture

AE&LS 9 (proposed) 678

Part 8 Barber Examiners Board

BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (proposed) 410
 BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (adopted) 1164

Part 9 Boxing Board

4 MCAR §§ 9.101-9.124, 9.201-9.215, 9.301-9.306, 9.401-9.411, 9.501-9.518, 9.601-9.611 (proposed) 916

Part 10 Cosmetology Board

MSBC 1-8, 20-29, 40-42, 60-66 (proposed) 35
 MSBC 1-8, 20-30, 40-42, 60-66 (adopted) 1029
 MSBC 64 (errata) 164

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR §§ 1.0552-1.0559, 1.05599 (proposed) 1541
 5 MCAR §§ 1.0741-1.0745 (proposed temporary rules) 1402
 5 MCAR §§ 1.720-1.725 (proposed temporary rules) 251
 EDU 8 (repealed) 1539
 EDU 330 (repealed) 1540
 EDU 44, 764, 767-769 (adopted) 915
 EDU 741, 743 (adopted) 693
 5 MCAR §§ 1.0010, 1.0720-1.0725 (proposed) 1051
 5 MCAR §§ 1.0070-1.00791, 1.00801, 1.00811, 1.00821, 1.00831, 1.0084-1.0086, 1.0100-1.0109, 1.01101, 1.0111-1.0116 (proposed) 1056
 5 MCAR §§ 1.0720-1.0724 (adopted temporary) 753
 5 MCAR §§ 1.0720-1.0724 (adopted temporary) 1236
 5 MCAR § 1.0762 (proposed) 1540
 5 MCAR § 1.0765 (repealed) 1540
 5 MCAR §§ 1.0764, 1.0767-1.0769 (adopted temporary) 305

Part 2 Higher Education Coordinating Board

5 MCAR §§ 2.0101-2.0108, 2.0301-2.0310, 2.0401-2.0407, 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (proposed) 697
 5 MCAR §§ 2.1001-2.1008 (proposed) 1096
 HECB 101-103, 105-108, 301-310, 401-407, 501-507, 601-607 (proposed) 697

Part 3 Teaching Board

5 MCAR §§ 3.001, 3.003-3.015, 3.020-3.031, 3.041, 3.050-3.054, 3.060-3.086, 3.102-3.103, 3.130 (proposed) 311
 5 MCAR §§ 3.002-3.003, 3.106, 3.108-3.109 (adopted) 915

Part 4 State University Board

SCB 101-110, 201-212, 251-255, 301-309, 321-328, 401-404, 421-423, 431-433, 501-506, 601-604, 701-714, 751-753, 801-805, 901-904, 1001-1014 (proposed) 1223

MCAR AMENDMENTS AND ADDITIONS

Part 5 Arts Board

MSAB 1-8 (adopted) 31

Part 6 Zoological Garden

Zoo 101-105, 201-206, 301-307, 401-409, 501-505,
601-615, 701-702 (proposed) 1266

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

NR 51, 56 (proposed) 441
NR 2600, 2610, 2620, 2630, 2640 (adopted) 174
NR 5020-5026 (proposed) 201
NR 5300 (proposed) 287
NR 10 (proposed) 777

Part 2 Energy Agency

EA 301-315 (adopted) 1038
EA 601-641 (adopted) 1444
EA 701-705, 711, 721, 731-737, 741-743, 781, 791
(proposed) 1549
EA 1001-1005, 1011, 1021, 1031-1033, 1040-1045,
1050-1055, 1060-1065, 1091 (proposed) 1560

Part 3 Environmental Quality Board

MEQC 72, 73, 76-80, 82 (adopted emergency) 501
MEQC 71-82 (proposed) 508

Part 4 Pollution Control Agency

APC 4, 11 (errata) 135
WPC 43 (proposed) 94
HW 1-10 (proposed) 521
SW 1-4, 6, 7 (proposed) 616
WPC 38 (adopted) 833
WPC 40 (proposed) 710

Part 5 Water and Wastewater Operator

Certification Council

WWOB 1 (proposed) 675

Part 6 Metropolitan Waste Control Commission

MWCC 2 (proposed) 518
MWCC 2 (adopted) 1287

Part 7 Soil and Water Conservation Board

SWC 1-5 (proposed temporary rules) 970
SWC 1-5 (proposed) 1422
SWC 1-5 (adopted temporary rules) 1457

TITLE 7 HEALTH

Part 1 Health Department

MHD 139 (proposed) 674
MHD 139 (adopted) 1200
MHD 145-149 (emergency rules) 381
MHD 145, 147, 149-150, 195, 198, 246-254 (adopted) 1046
7 MCAR §§ 1.174-1.178 (proposed) 1252
MHD 181-186 (adopted) 1284
MHD 220(a), 224 (proposed) 926
MHD 268, 279, 294, 304-306, 314-315, (proposed) 420
MHD 268, 279, 294, 304-306, 314-315 (adopted) 1165
7 MCAR § 1.370 (adopted) 832
7 MCAR §§ 1.521-1.527 (adopted) 829

Part 4 Medical Board

7 MCAR § 4.012 (proposed) 309

Part 5 Nursing Board

7 MCAR §§ 5.1002-5.1004, 5.1032-5.1036, 5.1060-5.1061,
5.1063, 5.1080, 5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036,
5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082 (proposed) 228
7 MCAR §§ 5.1010; 5.1011, 5.1030-5.1033 (proposed) 755

Part 6 Nursing Home Administration Board

NHA 10, 22-23 (proposed) 1479

Part 7 Optometry Board

OPT 1-8 (proposed) 44

Part 8 Pharmacy Board

PHARM 1-4, 6-13, 21, 25-28, 31, 33, 36-37, 40-41, 43-46,
51, 61, 101-106, 111-118 (adopted) 1136

Part 9 Podiatry Board

7 MCAR § 9.002 (proposed) 442

Part 11 Veterinary Board

7 MCAR §§ 11.001-11.008 (adopted) 1243

TITLE 8 LABOR

Part 1 Labor and Industry Department

LS 1-9, 12, 14-18 (proposed) 189
LS 1-9, 12, 14-18 (adopted) 1139
FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (proposed) 187
MOSHC 1 (emergency rule) 145
MOSHC 1 (adopted) 969
MOSHC 1 (withdrawn) 1378
MOSHC 1 (proposed) 1380
MOSHC 270-283, 290-306, 310-317, 320-336 (proposed) 149

Part 3 Public Employment Relations Board

PERB 1, 3, 10, 35, 40-41, 50, 55 (proposed) 931

Part 4 Department of Economic Security

8 MCAR § 4.0010 (proposed) 1147

TITLE 9 LAW

Part 2 Hearing Examiners Office

HE 102-112, 203-206, 209-214, 216-218, 222 (proposed) 382
HE 401-418 (adopted temporary rules) 85
HE 401-418 (proposed) 382

TITLE 10 PLANNING

Part 1 State Planning Agency

10 MCAR §§ 1.305-1.306 (adopted temporary rules) 146
10 MCAR §§ 1.305-1.306 (adopted) 673

Part 3 Metropolitan Council

MC 1-11 (proposed) 1355

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

DES 94, 129-130, 140-141 (adopted) 1167
DES 94, 129-130, 140-141 (proposed) 443
11 MCAR §§ 1.5067-1.5070 (proposed) 891
MoVeh 58 (adopted) 33
MoVeh 70-82 (adopted) 145
Liq 1-3, 24-35, 38-39, 56, 67, 71-77, 83-84, 92, 95, 98-100,
123 (proposed) 96

Part 2 Corrections Department

CORR 4-12 (adopted) 84
CORR 4 (errata) 135
CORR 200-203 (emergency rules) 407
CORR 200-203 (adopted temporary rules) 969

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

DPW 1 (adopted) 1168
DPW 3 (adopted) 1182
DPW 17 (proposed) 1404
DPW 30 (proposed temporary rule) 132
DPW 33 (proposed temporary rule) 133
DPW 30A, 33A (adopted temporary) 754
DPW 30 (30A), 33 (33A) (adopted) 1168

MCAR AMENDMENTS AND ADDITIONS

DPW 44 (errata)	998
DPW 47 (adopted)	353
DPW 47 (proposed)	677
DPW 49 (proposed temporary rule)	234
DPW 49 (proposed)	617
DPW 49 (adopted)	245
DPW 49A (adopted temporary)	507
DPW 52 (adopted)	34
DPW 56, 60-62 (proposed)	1100
DPW 60 (adopted temporary)	1239
DPW 94, 104, 116, 125, 128, 131-132, 140-141 (proposed)	455
DPW 94, 104, 116, 125, 128, 131-132, 140-141 (adopted)	1189
DPW 125, 126, 128, 130-132, 135, 140 (proposed)	633
DPW 125, 126, 128, 130-132, 135, 140 (adopted)	1496
DPW 160 (proposed)	60
DPW 160 (proposed)	160
DPW 160 (errata)	164
DPW 171, 200, 210-218 (adopted)	1093

Part 3 Housing Finance Agency

MHFA 1-17, 31-36, 51, 61-69, 111-115 (adopted)	306
--	-----

MHFA 120 (proposed)	675
MHFA 131-135 (proposed)	1359
MHFA 131-135 (proposed)	1575

TITLE 13 TAXATION

Part 1 Revenue Department

Tax S&U 101, 104, 107-109, 112, 115-117, 202, 204, 207-208, 211-212, 302, 401, 404, 407, 408, 411, 415, 421-422, 508, 510-511, 601, 604, 607-610 (proposed)	1288
---	------

Part 2 Tax Court

13 MCAR §§ 2.001-2.00 (proposed)	1260
----------------------------------	------

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4025-1.4028 (proposed temporary rules)	892
14 MCAR §§ 1.4025-1.4028 (adopted temporary rules)	1200
14 MCAR §§ 1.4025-1.4028 (adopted temporary rule)	1515
14 MCAR § 1.5041 (proposed)	1360

EXECUTIVE ORDERS

Executive Order No. 167

Providing for Assistance to Officials of Polk County, Minnesota

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

WHEREAS, the Sheriff of Polk County has requested assistance in the search for stranded motorists and;

WHEREAS, weather conditions caused highway travel to be hazardous:

NOW THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty on or after 25 January 1978, in the service of the state, such elements of the military forces of the state as required, and for such period of time necessary to insure the safety of our citizens.

2. Cost of subsistence, transportation and fuel, and pay and allowances of said individuals will be defrayed from the general fund of the state as provided for by Minnesota Statutes 1976, Section 192.49; Subdivision 1, and Section 192.51; and Minnesota Statutes, 1977 Supplement, Section 192.52.

This order is effective retroactive to January 25, 1978, and shall be in force until January 28, 1978.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 3rd day of February 1978.



RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to § 15.052, all rules, amendments to rules, or suspensions or repeals of rules become effective after all requirements described in Minn. Stat. § 15.0412, subd. 4 have been met and five working days after publication in the *State Register*, unless a later date is required or specified.

If the rule as adopted does not differ from the proposed rule as previously published in the *State Register*, a notice of adoption as proposed and a citation to the previous publication is considered sufficient as publication of the adopted rule, suspension or repeal.

If the rule as adopted differs from the proposed rule, the adopted rules or subdivisions thereof which differ from the proposed rule are published along with a citation to the *State Register* publication of the proposed rule.

Pursuant to Minn. Stat. § 15.0412, subd. 5, temporary rules take effect upon approval of the Attorney General. As soon as practicable, notice of the Attorney General's decision and the adopted temporary rule are published in the *State Register*, as provided for adopted rules. Temporary rules are effective for only 90 days and may be reissued for 90 days.

DESIGNATED 10 TON ROUTES TRUNK HIGHWAYS

12 MONTHS:

T.H. 51 From I-94 to West 7th Street St. Paul (Snelling Avenue from I-94 to Montreal Avenue, then Montreal Avenue from Snelling Avenue to West 7th Street.)

EXPERIMENTAL SEASONALLY RESTRICTED 10 TON ROUTES

These trunk highway routes have been experimentally designated with the understanding that in the event of deterioration of the roadway, the Commissioner of the Minnesota Department of Transportation may undesignate any route pursuant to Section 169.832, Subdivision 12 and Section 15.0412, Subdivision 5.

EXPERIMENTAL SEASONALLY RESTRICTED 10 TON ROUTES:

T.H. 10 From junction T.H. 23 to junction T.H. 371
T.H. 29 From junction T.H. 212 to junction T.H. 7
T.H. 59 From junction T.H. 200 to junction T.H. 2
T.H. 71 From junction T.H. 2 to junction T.H. 72 in Blackduck
T.H. 71 From junction T.H. 19 to junction T.H. 212
T.H. 75 From junction T.H. 2 to junction T.H. 1
T.H. 75 From junction T.H. 11 to Canadian Border
T.H. 89 From junction T.H. 2 to South Junction T.H. 1
T.H. 95 From junction T.H. 23 to junction T.H. 169

Department of Transportation Adopted Amendments to Designated Routes for Ten-Ton Vehicles for Calendar Year 1978

Order and Notice of Amended Rule

The rules adopted pursuant to Laws of 1977 and filed with the Secretary of State on the 1st of December 1977 and promulgated in the *State Register* at 2 S.R. 1191 (December 19, 1977) are hereby amended to read as attached.

Jim Harrington
Commissioner of Transportation

Dated this 6th day of FEBRUARY 1978.

Calendar Year 1978

Amendments and corrections to the designated 10 ton routes as published in the *State Register*, Volume 2, Number 24, December 19, 1977.

RULES

T.H. 135 From junction T.H. 53 to Gilbert
T.H. 169 From junction T.H. 2 to junction T.H. 65 in Pengilly
T.H. 210 From South Junction T.H. 169 to I-35
T.H. 212 From junction T.H. 29 to Dawson

SHERBURNE COUNTY:

Delete from 12 MONTH designated routes the following:

CSAH 11 from T.H. 25 to T.H. 10

Add to SEASONALLY RESTRICTED routes the following:

CSAH 11 from T.H. 25 to T.H. 10

GLENWOOD:

Delete from 12 MONTH designated routes the following:

5th Street N.W. from T.H. 28 (Minnesota Avenue) to North Lakeshore Drive, then North Lakeshore Drive to the West Corporate Limits.

Add to 12 MONTH designated routes the following:

Junction of T.H. 28 and Minnesota Avenue to North Lakeshore Drive, then North Lakeshore Drive to the West Corporate Limits of Glenwood.

ST. PAUL:

Add to 12 MONTH designated routes the following:

Elway Street from Speshard Road to Montreal Avenue.
Then Montreal Avenue from Elway Street to Stewart Avenue.
Then Stewart Avenue to Texaco Terminal.

Minnehaha Avenue West from Dale Street to Arundel Street.

Otto Avenue from Shepard Road to West 7th Street.

White Bear Avenue from I-94 to East Minnehaha Avenue.

East Minnehaha Avenue from White Bear Avenue to Birmingham Street.

Childs Road from Warner Road to the southerly limits of Childs Road.

Mounds Blvd. from I-94 to East Seventh Street.

Delete from SEASONALLY RESTRICTED routes the following:

T.H. 5 from Shepard Road to Warner Road. Then Warner Road from its intersection with Shepard Road to T.H. 61

Add to SEASONALLY RESTRICTED routes the following:

T.H. 5 from Mississippi River to T.H. 61 (Mounds Blvd.).

Department of Transportation

Adopted Temporary Rules Governing Implementation of Public Transit Subsidy and Demonstration Grant Programs (continued)

The temporary rules published at State Register, Vol. 2, No. 16, p. 892, October 24, 1977 (2 S.R. 892) and adopted at State Register, Vol. 2, No. 24, p. 1200, December 19, 1977 (2 S.R. 1200), are continued in effect through and including May 22, 1978.




Extension authority is Minn. Stat. 1976, § 15.0412 as amended by Laws of 1977, ch. 443.

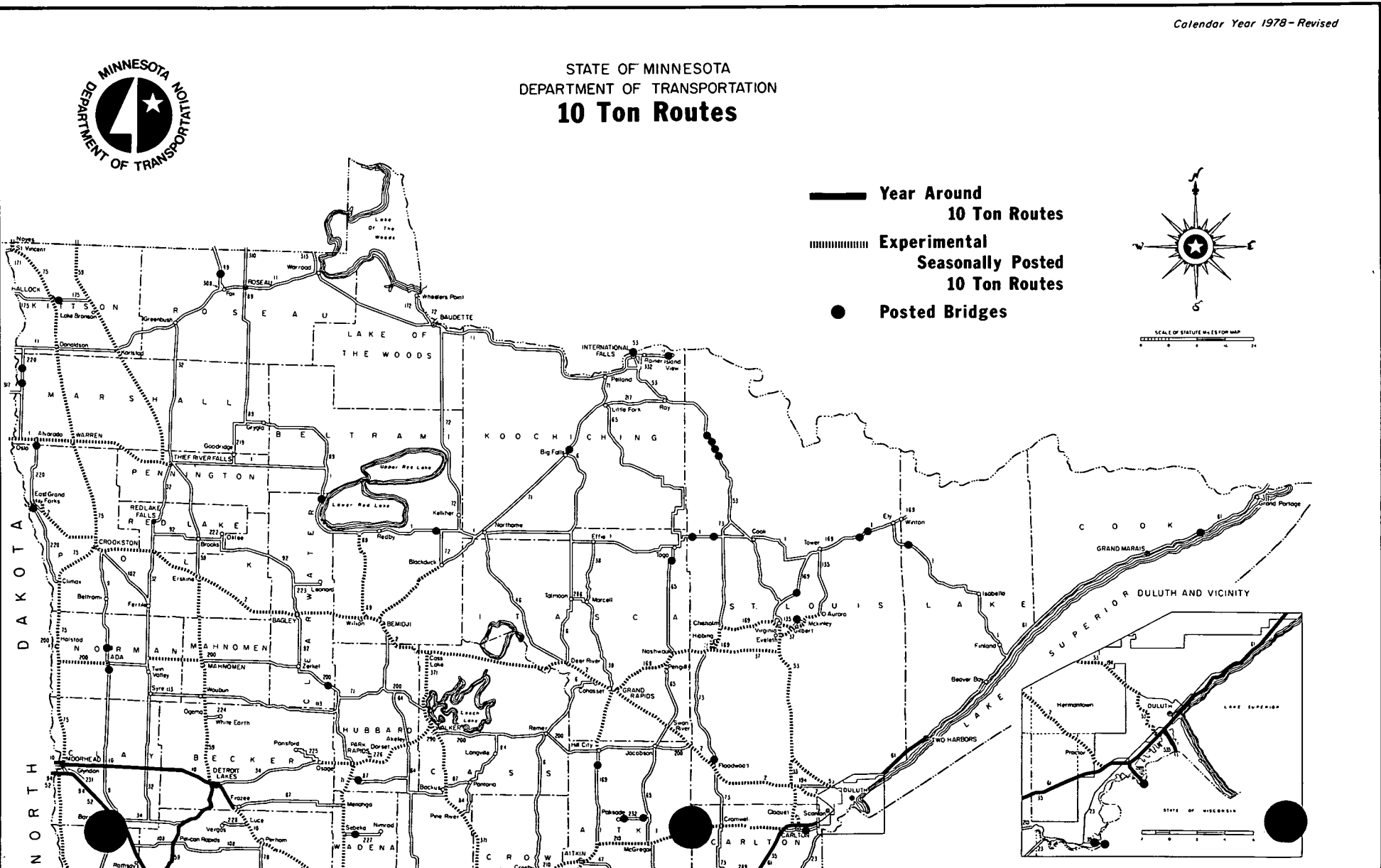
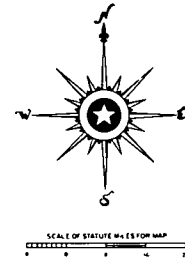
Jim Harrington
Commissioner

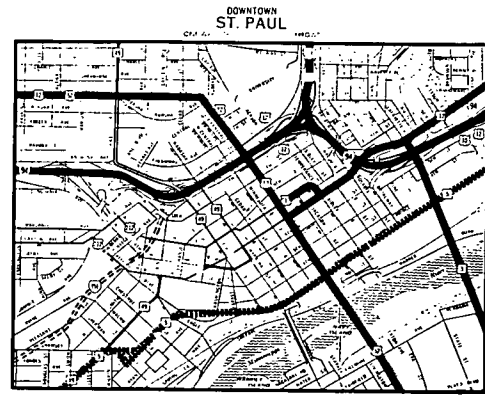
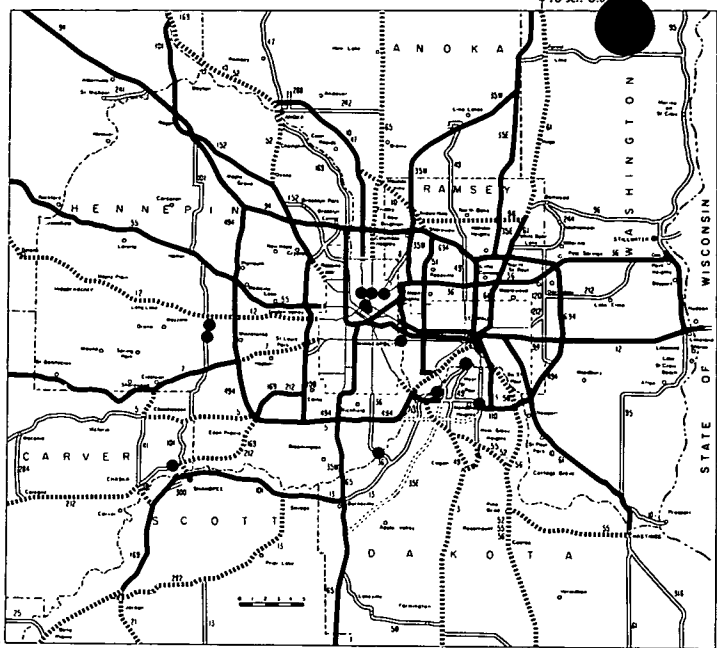
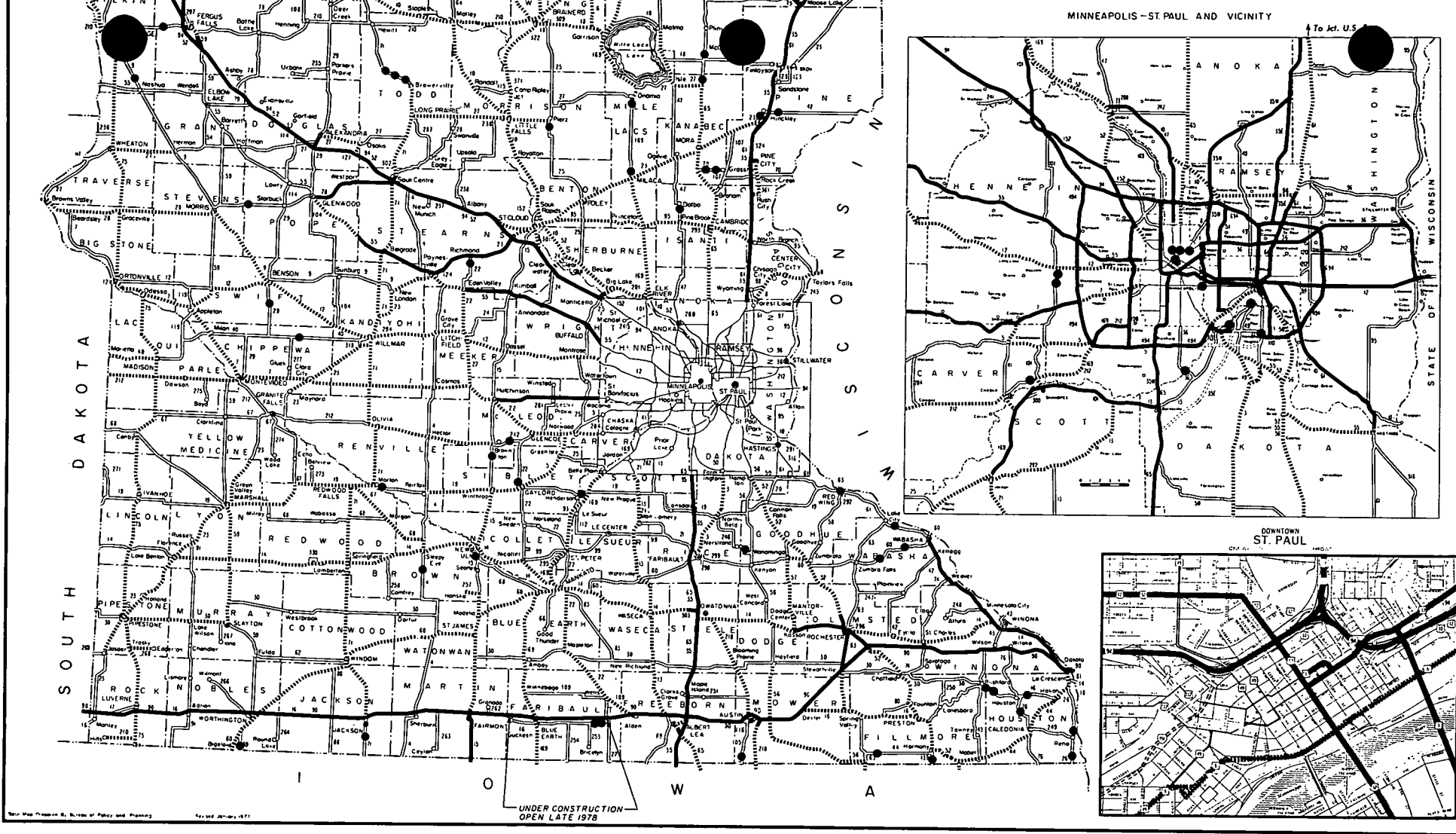
KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.



STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
10 Ton Routes

-  Year Around 10 Ton Routes
-  Experimental Seasonally Posted 10 Ton Routes
-  Posted Bridges





Map Prepared by Bureau of Policy and Planning
44-582 (Rev. 1-1977)

PROPOSED RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to 15.052, the *State Register* publishes notices of hearing on proposed new or amended rules, including the full text of the new or amended rules, including the full text of the new or amended rule proposed for adoption, at least 30 days before the date set for the hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4, an agency may, with approval of the chief hearing examiner, incorporate by reference into the text of a rule, provisions of federal law, or rule, or other material which are 3000 words or more in length or would require five or more pages of print in the *State Register* and which are conveniently available to interested persons.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend, or repeal a rule does not allow for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Commerce Securities Division

Proposed Amendments to the Existing Rules for Real Estate Brokers and Salespersons and the Securities Act; Adoption of New Rules Relating to Continuing Real Estate Education

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, at the following date, location and time, and will continue until all persons have had an opportunity to be heard:

March 27, 1978, Hearings Room, 5th Floor Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota at 9:00 a.m., a summary of the amendments to the existing rules and the newly proposed continuing real estate education rules and regulations will be presented by the Securities Division. Copies of the Statement of Need and Summary of Evidence will be available for review. The primary purpose of the hearing is to allow interested persons to comment on the proposals.

All interested or affected persons will have the opportunity to participate concerning the amendments to the existing rules and the adoption of the proposed new rules. Statements may be made orally and written material may be submitted, whether or not an appearance is made at the hearings, by mail to George Beck, Office of the Hearings Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104. The record will remain open for 5 working days following the last hearing date unless the Hearing Examiner orders more time but which cannot exceed 20 calendar days.

NOTICE

All persons have the right to be notified of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. All persons have the right to be informed of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may do so by so indicating at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

Notice is hereby given that 25 days prior to the first hearing date, a Statement of Need and Summary of Evidence will be available for review at the Securities Division, Department of Commerce and at the Office of the Hearing Examiners. Such Statement has been prepared as a single document but in separate parts. The first part relates solely to the proposed amendments to the existing rules relating to real estate license applications and fees, trust funds, fraudulent, deceptive or dishonest practices, standards of conduct, real estate education and securities registration and licensing applications. The second part relates solely to the new proposed rules relating to continuing real estate education. Copies of these documents will be available for review at the hearing. These documents include the verbatim testimony intended to be presented at the hearing on March 27, 1978, justifying both the need for and reasonableness of the proposed rules. Copies of the statements may be obtained from the Securities Division, Department of Commerce by sending a written request, together with a check or money order payable to: Treasurer, State of Minnesota, in the following amounts:

1. Amendments to Existing Rules only: \$2.65
2. Adoption of New Rules for Continuing Real Estate Education only: \$2.35
3. Complete document: \$5.00

Copies of the proposed amendments to the existing rules and the new rules are now available, and one free copy may be obtained by writing the Securities Division, 500 Metro

PROPOSED RULES

Square Building, St. Paul, Minnesota 55101. Persons desiring copies should indicate whether they desire all proposals or which portions they desire in order to conserve costs. Copies will also be available at the hearing.

Statutory authority to adopt the proposed amendments and newly proposed rules relating to real estate is contained in Minn. Stat. § 82.28. Statutory authority to adopt the proposed amendments relating to securities is contained in Minn. Stat. § 80A.25, subd. 1.

The proposed amendments to existing substantive rules, if adopted, would clarify the definition of overpayment of fees; explain the procedure for reinstating a salesperson's license which was cancelled for noncompliance with the education requirements; delineate the qualifications for receiving a waiver of the salesperson's requirements; delete language already included in the statute which provides for the placement of trust funds into an interest bearing account; specify the period in which trust funds must be deposited; make the failure to disclose material information to a potential buyer a fraudulent, deceptive or dishonest practice; make the failure to notify the Commissioner of changes in information on an application grounds for disciplinary action; prohibit representation of membership in an organization if not a member; prohibit misrepresentation of taxes and assessments and require any representations to be in writing; require written offers to purchase to be presented within a reasonable time; require, when applicable, disclosure that a business is independently owned and operated in advertising; prohibit knowingly misstating tax liabilities of a seller or property; prohibit providing information which indicates that a seller has been misrepresenting records to decrease tax liabilities.

The proposed rule relating to the unclaimed property act, if adopted, would require applicants for a broker's license and brokers to inform the Commissioner that they are in compliance with the unclaimed property act.

The proposed amendments to the existing rules relating to real estate education for salespersons, if adopted, would divide the course of study into three (3) thirty (30) hour courses; require approved courses to be taken in sequence; allow credit for courses taken up to one year before a license is issued; provide for extensions and waivers; outline the curriculum for the courses of study; exclude courses designed to prepare persons for passing real estate examinations; delete the prohibition of using optional subjects in both Courses I and II; delete language requiring, at a minimum, a notebook containing an outline of each subject to be used in courses; require textbooks to be used in

Courses I and II and, at a minimum, a notebook with an outline in Course III; require schools to itemize additional fees for materials needed in course work; require additional materials purchased by a student to become the property of the student; measure successful completion of a course by the passing of a written examination; require a person seeking approval of Courses I, II and III to submit the name and author of the required textbook for Courses I and II and the comprehensive outline for Course III, copies of examinations prior to their use and, when applicable, proof of being registered to legally do business in the State of Minnesota and/or proof of licensure or exemption from Minn. Stat., ch. 141; except out of state offerings of Course III from including approval language on their advertisements; require courses to file within fourteen (14) days a list of students who are licensed or intend to be licensed and have passed the course; require schools to maintain records of passing grades for a minimum of three (3) years and provide a custodian in the event operations cease; prohibit approved courses from being presented in real estate brokerage offices; prohibit approved courses from being affiliated with a franchise; provide for the suspension, revocation or denial of a course offering, coordinator or instructor by the issuance of a written order by the Commissioner; provide the Commissioner with the right to audit offerings; place responsibility for evaluation of courses and instructors on course coordinators including the use of instructor evaluation forms to be completed by students; limit class size to fifty (50) students except in the case of a lecture where the limit shall be four-hundred (400) students provided that for each hour of lectures, there will be one (1) hour of classroom discussion with a limitation of fifty (50) students per classroom; contain the forms for instructor and coordinator approval, course approval, filing an annual report, certifying those students who have passed a course, and student evaluation of instructor and course content.

The proposed adoption of rules relating to continuing education, if adopted, would set forth the curriculum for an approved continuing education course; would exclude courses designed to prepare students for real estate examinations, courses in mechanical office and business skills, sales promotion meetings, courses affiliated with real estate companies and franchises and time devoted to meals or refreshments offered during a course; establish criteria for approval including time limits, attendance, record keeping, measurement of successful completion, coordinator approval, and instructor approval; set forth the information to be contained in an application for approval; require notification to the Commissioner of any material changes of information contained in the application for approval; provide for application for approval of a course subsequent to attendance at a

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

SDIV 1501

course offering; provide for the suspension, revocation or denial of a course offering, coordinator or instructor by written order of the Commissioner; prohibit credit for substantively identical offerings; provide for credit for teaching in an approved offering; set forth conditions for extensions; set forth criteria for advertising similar to the rule for the ninety (90) hour course of study; require a notice to be read at the beginning of each offering which states that the offering is recognized by the Commissioner towards satisfaction of the continuing education requirement; prohibit approved courses from being presented in real estate brokers' offices; provide the Commissioner with the right to audit offerings; limit class size to fifty (50) students except in the case of lectures where the limitation would be four-hundred (400) students provided that for each hour of lecture, there will be one hour of classroom discussion with a limitation of fifty (50) students. Would require licensees to certify a minimum of forty-five (45) clock hours of attendance at approved continuing education courses on a form prescribed by the Commissioner and filed with license renewal applications; contain the forms for application for approval of offerings, appointment of attorney for service of process, certifying credits for teaching approved continuing real estate courses and certifying attendance at approved continuing real estate education courses.

The proposed amendments to the existing rules for the Securities Act, if adopted, would require an applicant for a broker dealer or investment advisor to inform the Commissioner that the applicant has complied with the Unclaimed Property Act; require an annual report to contain a statement by the issuer that the issuer has complied with the Unclaimed Property Act; require, upon application for registration, an applicant to inform the Commissioner that the applicant has complied with the Unclaimed Property Act.

Please be advised that Minn. Stat. ch. 10A 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 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 (5) hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, phone (612) 296-5615.

John R. Larson
Commissioner of Securities

Rules as Proposed

SDiv 1501 (Minn Stat. § 82.21) (a) Overpayment of

License fees. "Overpayment" shall mean any payment of monies in excess of a statutory fee or for an examination or license for which a person does not qualify.

SDiv 1503 (Minn. Stat. § 82.22)

(b) Cancellation of a salesperson's license. A salesperson's license which has been cancelled for failure of a salesperson to complete required instruction must be returned to the commissioner by the salesperson's broker within ten days of notice of cancellation. Such license may be reinstated without re-examination by completing the required instruction and filing an application and fee for a salesperson's license within one year of the cancellation date.

(c) Waivers. The commissioner may waive the real estate licensing experience requirement for the broker's examination.

(1) Qualifications. An applicant for a waiver shall provide evidence of either:

(aa) successful completion of a minimum of ninety (90) quarter credits or two hundred and seventy (270) classroom hours of real estate related studies, or

(bb) a minimum of five (5) consecutive years of practical experience in real estate related areas, or

(cc) successful completion of thirty (30) credits or ninety (90) classroom hours and three (3) consecutive years of practical experience in real estate related areas.

(2) Requests. A request for a waiver shall be submitted to the commissioner in writing and be accompanied by such documents as necessary to evidence qualification as set forth in (1).

SDiv 1505 (Minn. Stat. § 82.24) (a) Trust funds.

(4) Trust funds which are subject to Minnesota Laws 1973, Chapter 561, relating to security deposits, may be placed by the broker in an interest-bearing account or certificate of deposit, provided all parties to a transaction consent to such account or certificate.

(4) Trust funds may be placed by the broker in an interest-bearing account or certificate of deposit, provided

PROPOSED RULES

all parties to the transaction consent in writing to such account or deposit and to the disposition of such trust funds.

SDiv 1506 (Minn. Stat. § 82.24) (a) Trust account records.

(3) A check received from the potential buyer may be held by the listing broker until acceptance or rejection of the offer if:

(aa) the check by its terms is not negotiable by the broker or if the potential buyer has given written instructions that the check shall not be deposited nor cashed until acceptance or shall be immediately returned if the offer is rejected, and;

(bb) the potential seller is informed that the check is being so held before or at the time the offer is presented to him for acceptance.

If the offer is accepted, the check shall be deposited in a neutral escrow depository or the trust fund account of the listing broker not later than the next business day following acceptance of the offer unless said broker has received written authorization from all parties to the transaction to continue to hold the check. If the offer is rejected, the check shall be returned to the potential buyer not later than the next business day after rejection. If no such written instructions to hold a check exist, such check shall be deposited not later than the next business day after delivery of such check into the listing broker's trust account.

SDiv 1508 (Minn. Stat. § 82.27) (b) Fraudulent, Deceptive or Dishonest Practices.

The methods, acts or practices set forth herein shall be presumed fraudulent, deceptive or dishonest when engaged in by a real estate broker or salesperson and shall constitute grounds for denial, suspension or revocation of the license of such person, or censure of said licensee:

(qq) Failing to disclose any material information which is of the licensee's knowledge to a purchaser.

(rr) Failing within a reasonable time to notify the commissioner of any change of information contained in a license application on file with the commissioner.

SDIV 1511

SDiv 1509 (Minn. Stat. § 82.27) (a) Standards of conduct.

(1) The methods, acts, or practices set forth herein shall be standards of conduct governing the activities of real estate brokers and salespersons under this chapter. The failure to comply with said standards shall constitute grounds for denial, suspension or revocation of the license of such person, or censure of said licensee. Licensees shall:

(ee) Not use any tradename or insignia of membership in any organization in which said licensee is not a member;

(ee) Not represent membership in any organization in which said licensee is not a member;

(qq) Not misrepresent the nature and amount of any taxes and/or assessments to a party in any transaction. Any representations by a licensee regarding taxes and/or assessments must be in writing and furnished to all parties of the transaction;

(rr) Not fail to present any written offer to purchase to the owner within a reasonable period of time;

(ss) Clearly identify said licensee's business is independently owned and operated, if applicable, on all real estate documents and advertising, excepting one inch classified ads;

(tt) Knowingly providing a buyer any information which misstates any tax liabilities of the seller or the property, or potential tax liabilities of the buyer;

(uu) Knowingly providing a buyer any information which indicates that the seller has been misrepresenting records to decrease tax liabilities.

SDiv 1511 (Minn. Stat. § 82.22) Real estate education.

(a) Approval. A course of study in the real estate field will be approved by the Commissioner of Securities, pursuant to Minn. Stat. § 82.22, subd. 6, upon compliance with the following requirements.

(1) Requirements. (aa) The 90 hour course of

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

SDiv 1511

study in real estate prescribed by Minn. Stat., § 82.22, subd. 6, shall consist of three (3) thirty classroom hour courses (Course I, Course II and Course III). Each applicant or salesperson shall be required to complete all courses successfully. Courses I, II and III must be taken in sequence and may not be taken concurrently. Applicants who elect to successfully complete an approved course of real estate education while not licensed may receive credit for such education if a real estate salesperson's license is obtained within one year after the successful completion date of the course.

(bb) Applicants will have one year from the successful completion date of the course to successfully complete the salesperson's examination. After this date, credit for Course I will expire and successful completion of the first thirty (30) hour course must be repeated before applying for the salesperson's examination. Every salesperson licensed after July 1, 1978, shall within one year of the date the license was first issued, be required to successfully complete Courses II and III. Courses II and III must be taken in sequence and may not be taken concurrently. Applicants who elect to successfully complete Courses II and III while not licensed may receive credit for such education if a real estate salesperson's license is obtained within one (1) year after the successful completion date of Course I.

(2) Extensions. Upon appropriate showing of hardship, the commissioner may extend the time period during which the post-licensing real estate instruction must be successfully completed. A request for an extension shall be submitted in writing to the commissioner no later than forty-five (45) days prior to the date of license cancellation. The request shall include: 1) an explanation and verification of hardship, and 2) verification of enrollment in an approved course of study and the dates during which the course will be held. Loss of income resulting from the cancellation of a license is not an acceptable hardship.

(3) Waivers. Upon appropriate showing of hardship, the commissioner may waive mandatory classroom attendance for post-licensing education. A request for a waiver shall be submitted in writing to the commissioner at least six (6) months prior to the date of cancellation and shall include: 1) an explanation and verification

of hardship, and 2) verification of enrollment in approved independent study.

(b) Curriculum. The 60 hour course of study in real estate prescribed by Minnesota Statutes 1974, Section 82.22, Subd. 6 shall consist of two (2) thirty hour courses. Each salesperson shall be required to complete both courses successfully. The first thirty (30) hour course, of Course I, must be successfully completed before the second thirty (30) hour course, of Course II. They may not be taken concurrently. The curriculum for the sixty (60) ninety (90) hour course of study shall be as follows:

COURSE I (30 HOURS)

"FUNDAMENTALS OF REAL ESTATE"

Real Estate Fundamentals and Professional Standards	3 hours
Real Estate Marketing	3 hours
Real Estate Financing	3 hours
Residential Market Evaluation	3 hours
Legal Aspects (Contracts)	4 hours
Closing (Mechanics of)	3 hours
Construction	3 hours
Zoning	2 hours
Discrimination in Housing	1 hours
Real Estate License Law & Subdivided Land Act	2 hours
Mathematics	3 hours
	<u>30 hours</u>

COURSE II (30 HOURS)

"ADVANCED FUNDAMENTALS OF REAL ESTATE"

Advanced Marketing	3 hours
Advanced Appraising	3 hours
Advanced Legal Aspects	3 hours
Taxation	3 hours
Selling Investment Property	3 hours
Communications	3 hours
Condominiums, Townhouses & Cooperatives	2 hours
Application of Securities Laws to Real Estate	1 hour
Optionals	9 hours
	<u>30 hours</u>

Law (2 hours) — Deeds (Types, Characteristics, Validity) and Current Update on State and Federal Real Estate Laws (1 hour)	3 hours
Advanced Legal Contracts (Listing, Purchase and Leasing Agreements)	4 hours
Real Estate Taxation	3 hours
Introduction to Investment Property	3 hours
Real Estate Management — Landlord/Tenant Relationship and Leases	3 hours

PROPOSED RULES

SDiv 1511

Land Development	3 hours
Condominiums, Cooperatives and Townhouses	2 hours
Introduction to Appraising	3 hours
Minnesota Real Estate Security Law	1 hour
*Introduction of Major Specialty Brokerages	2 hours
Choice of Optional Hours	3 hours
	30 hours

OPTIONAL SUBJECTS

Property Management	3 hours maximum
Advertising — Public Relations	3 hours maximum
Trade-Ins & Exchanges	3 hours maximum
Farm Brokerage	3 hours maximum
Land Planning and Development	3 hours maximum
Resorts Brokerage	3 hours maximum
Insurance	3 hours maximum
Advanced Construction	3 hours maximum
Urban Renewal	3 hours maximum
Economics	3 hours maximum
Shopping Centers	3 hours maximum
Industrials	3 hours maximum
Guaranteed Sales Plans	3 hours maximum
Advanced Financing	3 hours maximum
Professional Standards	3 hours maximum
Business Brokerage	3 hours maximum

Business Brokerage	3 hours maximum
Advertising	3 hours maximum
Communication	3 hours maximum
Guaranteed Sales Plan	3 hours maximum
Trade-Ins — Exchanges	3 hours maximum
Farm Brokerage	3 hours maximum
Resort Brokerage	3 hours maximum
Insurance	3 hours maximum
Economics	3 hours maximum
Property Management	3 hours maximum
Shopping Centers	3 hours maximum
Industrials	3 hours maximum
Land Planning and Development	3 hours maximum
Advanced Financing	3 hours maximum
Real Estate Marketing	3 hours maximum
Advanced Construction	3 hours maximum

*The content matter of this subject may be selected from the following optional subjects:

- Farm Brokerage
- Business Brokerage
- Resort Brokerage
- Industrials

The Commissioner of Securities will consider for approval courses for the third thirty (30) hours of educational requirements based on:

- Function and Operation of Calculators and Computers
- Government in Real Estate
- Finance
- Real Estate Law
- Real Estate Appraisal
- Real Estate Investment
- Property Management
- Mathematics of Real Estate
- Residential Real Estate
- Principal Agency Relationships
- Farm and Ranch Real Estate
- Industrial and Commercial Property
- Taxation
- Real Estate Securities and Syndication
- Estate Building and Portfolio Management
- Real Estate Brokerage Administration
- Economics
- Business Brokerage
- Resort Brokerage
- Land Planning and Development
- Urban Renewal
- Closing Techniques and Procedures
- Advanced Construction
- Exchanging Relating to Real Estate

(1) The Commissioner may approve courses of study in the real estate field offered in an Area Vocational-Technical Institute.

(2) Exclusions. The following course offerings will not be acceptable by the Commissioner of Securities as meeting the third thirty (30) hours of real estate education: Courses of instruction designed to prepare a student for passing the State real estate broker or salesperson examination. Offerings in mechanical office and business skills such as typing, speed-reading, memory improvement, language report writing, advertising, personal motivation, salesmanship and sales psychology.

The subjects of "Real Estate License Law and Subdivided Land Act" and "Application of Securities Laws to Real Estate" shall be instructed by the Commissioner or his designee. The optional subjects listed above may be offered

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. **Strike outs** indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

SDiv 1511

in either Course I or Course II, but may not be offered in both. ~~One recommended outline for each of the subjects listed in Course I, Course II or as an optional subject will be furnished to a bona-fide applicant at no cost.~~

~~(e) STUDENT NOTEBOOKS. Each student attending an approved real estate course shall receive, at a minimum, a notebook containing an outline of each subject to be covered at the beginning of the course. In the event a course of study has an approved textbook required for the course, a student notebook shall be optional.~~

(e) Student Textbook. Each student attending an approved real estate course I and II shall be required, at minimum, to have a textbook(s) cross-referencing the course subjects to the textbook(s). Each student attending an approved real estate course III shall have at a minimum, a notebook containing thorough outlines on each subject, or a required textbook(s) cross-referencing the course subjects to the textbook(s).

(f) Fees. The commissioner shall be informed in detail of all fees charged by each approved real estate course of study. A fee or tuition of \$75.00 or less for a thirty (30) hour course shall be presumed as reasonable. Any fee in excess of that must be justified to the Commissioner. Additional fees charged for supplies and materials or books needed in course work shall be itemized by the school and the materials shall upon payment become the property of the student.

(g) Examinations. Each student must successfully complete an examination before credit will be given to completion of a thirty (30) hour course or segment. Passing a written examination shall be the measurement of successful completion of a course. The criteria for passing of an examination may be developed by each school based on each school's educational concept.

(h) Application for approval. (Form H.) Any person seeking initial approval from the Commissioner of a real estate course of study shall submit the following:

~~(2) Course of curriculum with outlines of each subject.~~

The name and author of the required textbook for Course I and II.

~~(4) Copy of student notebook, containing com-~~

prehensive outlines for Course III, or the name and author of the required textbook.

~~(5) Copy of the examination. Copies of examinations for all courses complete with questions and answers must be submitted prior to their use.~~

(9) If applicable, proof of being registered and approved to legally do business in the State of Minnesota.

(10) If applicable, proof of licensure or exemption from Minnesota Statute, Chapter 141.

(i) Advertising. No advertisement, pamphlet, circular or other advertising material pertaining to an approved course of study may be circulated or distributed unless it is first approved by the Commissioner. All such advertisements, pamphlets, circulars, etc. shall contain the following language prominently displayed on the front: "THIS COURSE HAS BEEN APPROVED BY THE COMMISSIONER OF SECURITIES PURSUANT TO MINN. STAT., SECTION 82.22."

The preceding language need not be prominently displayed on the front of any out-of-state Course III offering advertisements. However, it is the responsibility of the entity to show evidence of an approval letter from the Commissioner of Securities approving the course pursuant to the Minn. Stat., § 82.22, subd. 6. This approval letter must be maintained in the entity's records evidencing that the course is approved.

(k) Annual report. (Form K.) Between January 1 and January 10 of each calendar year, every approved real estate course of study shall submit to the Commissioner the following information:

(1) Notice. At the beginning and end of each course or segment of the ~~sixty (60)~~ ninety (90) hour course of study in real estate, it shall be the responsibility of the coordinator or his representative to read the following notice to the students:

"This thirty hour course of study in real estate is recognized by the Commissioner of Securities as applying in satisfaction of the educational requirements for real estate salespersons pursuant to the "Real Estate License Law". Since it is the concern of the Commissioner that students receive a quality education, the comments of each student would be appreciated. If you have any comments about this real estate course of study, your comments should be sent to the Commissioner of Securities, 500 Metro Square Building, St. Paul, Minnesota 55101."

PROPOSED RULES

(m) Course of study to certify completion. Each course of study shall within ~~45~~ fourteen (14) days of the completion of a course, notify the Licensing Section of the Department of Commerce of the names and addresses of the students who took the course and the grade they received on the examination. Student names should be alphabetized, typewritten and double-spaced on Real Estate Education Certification Form M. Only passing grades of licensees or those who will be licensed within one year should be reported to the Licensing Section in a language or symbols that can be interpreted as a passing grade. Send the course certification Form M to: Real Estate Licensing Section, 500 Metro Square Building, St. Paul, Minnesota 55101.

(l) Each approved school shall maintain records of students successfully completing any course for a minimum of three years. In the event that a school should cease operation for any reason, the ownership shall be responsible for maintaining said records or providing a custodian for said records acceptable to the Commissioner of Securities. In no circumstances will the Commissioner of Securities take custody of such records. Custodians in order to be acceptable to the Commissioner of Securities must be notaries and agree to make copies of acknowledgments available to students at a fee in effect for duplicate transcripts at the time the school ceases operation.

(n) Facilities. Each course of study shall have such classrooms and such other facilities and supportive personnel as is necessary to adequately implement the programs. Courses operating under the approval of the Commissioner of Securities may not be presented in Real Estate Brokerage offices.

(o) Conflict of interest. No real estate course of study seeking approval pursuant to this rule may be affiliated with any real estate firm or company- or franchise.

(p) ~~STUDENTS NOT LICENSED. Students who successfully complete an approved course of real estate education while not licensed may receive credit for such education if a real estate salesperson's license is obtained within 180 days after completion of the course. Suspension,~~

S Div 1511

revocation or denial of course approval. The Commissioner may deny, suspend or revoke approval of a real estate course offering coordinator or instructor if it is determined that they are not in compliance with the law and rules. If disciplinary action is taken a written order of suspension, revocation or denial of approval will be issued.

(q) ~~PENALTIES. Failure of a course of study to comply with the requirements set forth herein may result in a temporary or permanent loss of approval from the Commissioner.~~ Auditing. The Commissioner of Securities, or his designee, reserves the right to audit subject offerings.

(r) Course Evaluation. The Course Coordinator is responsible for regular and consistent evaluation of the course and the instructor(s). The Coordinator shall implement an instructor evaluation form (Form R) for completion by the students which will be transmitted to the Commissioner of Securities in the following manner:

(1) Each time any school uses an instructor for the first time, along with the original student instructor evaluation forms, the Course Coordinator shall submit his or her evaluation of the instructor.

(2) Subsequent evaluations on instructors previously qualified shall be completed at the discretion of the Coordinator and should be used to measure any change in the quality of the instructor.

(3) Upon the receipt of a complaint, the Commissioner of Securities may request, and the Coordinator shall supply, additional student and Coordinator evaluations on specific individual instructors in question

(s) Class offerings — enrollment. To insure that professional quality standards are met, each class shall have a maximum of fifty (50) students. However, if a lecture is given in a proper environment, the maximum shall be four hundred (400), provided that for each hour of lectures the student obtains one hour of classroom discussion with a maximum of fifty (50) students.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Form C

APPLICATION FOR REAL ESTATE INSTRUCTOR AND COORDINATOR APPROVAL Pursuant to Minnesota Statutes, Section 82.22, Subdivisions 6 and 13.

Please Print or Type

1. Name _____

2. Present Address _____
(Street) (City) (State) (Zip Code)

3. Permanent Address _____
(Street) (City) (State) (Zip Code)

4. Education: Summary of all schooling, including education for subject you teach.

Kind of School	Name of School	School Address (Street, City, State, Zip)	Number of Full Years' Attendance	Parts of Years in Months	Summer Sessions in Weeks	Dates of Attendance	Year of Graduation
High School or Academy							
Trade or Technical School							
College or University							

5. If a graduate of a 4-year college or university, indicate:
Major _____ Minor _____

6. PRACTICAL EXPERIENCE: If employed by same employer in more than one capacity indicate each capacity or job title separately as to dates and length of employment. (Or attach resume.)

EMPLOYER'S NAME	EMPLOYER'S ADDRESS (Street, City, State, Zip)	JOB TITLE OR CLASSIFICATION	LENGTH OF EMPLOYMENT YRS. MO'S.	DATES OF EMPLOYMENT FROM TO

7. TEACHING EXPERIENCE: Record of all teaching experience.

NAME OF SCHOOL	SCHOOL ADDRESS (Street, City, State, Zip)	SUBJECTS TAUGHT	NAME OF SUPERVISOR	NUMBER OF YEARS	DATES OF SERVICE

PROPOSED RULES

8. WHAT SUBJECTS WILL YOU TEACH IN THIS SCHOOL? _____

(See Reverse Side)

9. Give supplemental information on your current practical experience directly related to the subject you will teach in this course. (Use additional paper if required.)

10. If approved as an Instructor for Real Estate Education would you be interested in teaching at other conveniently located schools?

_____ YES _____ NO

11. Have you ever had a real estate license, in this or any other State, denied, suspended, or revoked? _____ YES _____ NO (If yes, please explain.)

12. Have you ever had any other business or professional license, in this or any other State, denied, suspended, or revoked? _____ YES _____ NO

13. Have you ever been disbarred from the practice of law? _____ YES _____ NO

Date _____ Signature _____

Your name as you usually sign it.

To the Commissioner of Securities:

I expect to employ this applicant to teach a course in Real Estate. I have examined this applicant and am satisfied that the information provided by the applicant is true and correct.

Date _____ Signature _____

Real Estate Coordinator

Name of School

Approved _____ Rejected _____ Date _____

Remarks _____

By: _____

Position: _____

FORM H

APPLICATION FOR COURSE APPROVAL

Pursuant to Minnesota Statutes, Section 82.22, Subdivision 6, Relating to Ninety (90) Hours Real Estate Education (H)

Please fill in the following:

Application for Course I II III (Circle One).

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

School Name _____

Location _____

Course Registration Telephone Number _____

Coordinator Name _____

Telephone Number _____

Address _____

Dates of Course Offerings _____

Location of Off-Campus Offerings _____

Location of On-Campus Offerings _____

Course Fee

Course I _____

Course II _____

Course III _____

Required Textbook

Course I _____

Course II _____

Course III (Optional) _____

Please Note:

If you will not be using a required textbook in Course III, submit, as an enclosure, a comprehensive outline that you would like to use in Course III. The Commissioner will examine your outline and notify you of his position.

(See Reverse Side)

Enclosures needed:

The following enclosures will be needed to enable the Commissioner of Securities to understand the full scope of your courses:

- 1) A list of your instructors, the subjects they will teach and their background resumes (use State resume forms — incomplete resumes will not be reviewed).
- 2) A copy of a comprehensive outline for Course III for courses not using a textbook.
- 3) A copy of the examinations complete with questions and answers for each course.
- 4) Copies of all advertising materials.
- 5) Written evidence that the school seeking approval, if applicable, is: a. registered and approved to legally do business in the State of Minnesota, b. that the school is in good standing with the Department of Education.

THE COORDINATOR OF EACH APPROVED REAL ESTATE COURSE OF STUDY SHALL IMMEDIATELY REPORT ANY CHANGES IN THE INFORMATION CONTAINED IN THE APPLICATION FOR APPROVAL OR THE EXHIBITS APPENDED THERETO. SUCH CHANGE SHALL BE DEEMED ACCEPTABLE BY THE COMMISSIONER IF NO ACTION HAS BEEN TAKEN AFTER FIFTEEN (15) DAYS FROM THE DATE RECEIVED BY THE COMMISSIONER.

As Coordinator of the above school seeking approval from the Commissioner of Securities to conduct the required Real Estate Education pursuant to Minnesota Statutes, SDiv. 1511 (82.22), I affirm that the following statements are true:

PROPOSED RULES

- 1) If applicable, the above school seeking approval is registered and approved to legally do business in the State of Minnesota.
- 2) If applicable, the above school seeking approval is in good standing with the Department of Education.
- 3) The above school seeking approval has not or will not become affiliated with, controlled by, or is a subsidiary of any real estate broker or real estate franchise licensed to do business in this State.

Signature of Applicant

Please remit this application and all enclosures to:

Real Estate Education Coordinator
334 B.A. Tower, West Bank
University of Minnesota
Minneapolis, Minnesota 55455

FORM K

ANNUAL REPORT

MINNESOTA REAL ESTATE EDUCATION

Pursuant to (L) of the Minnesota Real Estate Rules and Regulations SDiv. 1511 (82.22) course coordinators are required to submit by January 10, 1979 the following information to the Commissioner of Securities in care of the Real Estate Education Coordinator at the following address:

Coordinator, Real Estate Education
334 Business Administration Tower
University of Minnesota
Minneapolis, Minnesota 55455

- (1) Indicate the number of times the course of study was offered in the preceding year.

Course I _____ Course II _____ Course III _____

- (2) Identify the location of each offering.

- (3) Indicate the number of students attending each offering.

Course I _____ Course II _____ Course III _____

- (4) The number of students certified as successfully completing each offering.

Course I _____ Course II _____ Course III _____

(Continued)

- 5A Indicate the following information of the course of study.

Name of School _____

Address _____

Registration telephone number _____

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5B Indicate the course coordinator's:

Name _____

Address _____

Telephone number _____

5C Indicate the upcoming year's courses, dates, fees and times.

<u>COURSES</u>	<u>DATES</u>	<u>FEES</u>	<u>TIMES</u>
I	_____	_____	_____
II	_____	_____	_____
I	_____	_____	_____
II	_____	_____	_____
III	_____	_____	_____
I	_____	_____	_____
II	_____	_____	_____
III	_____	_____	_____
I	_____	_____	_____
II	_____	_____	_____
III	_____	_____	_____
I	_____	_____	_____
II	_____	_____	_____
III	_____	_____	_____

FORM M

COURSE CERTIFICATION STATEMENT

Pursuant to Minnesota Statutes, Section 82.22, Subdivision 6, Relating to Ninety (90) Hours Real Estate Education (M)

Circle Course Number

Instructions

Sent To:

- I
- II
- III

Double Spaced
 Typewritten
 Names Listed Alphabetically

Real Estate Licensing Division

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>GRADE</u>	<u>LICENSED</u>	<u>TO BE LICENSED WITHIN 1 YEAR</u>

FORM R

STUDENT EVALUATION OF INSTRUCTOR AND COURSE CONTENT

Pursuant to Minnesota Statutes, Section 82.22, Subdivision 6, Relating to Ninety (90) Hours Real Estate Education (R)

SUBJECT _____ DATE _____ INSTRUCTOR _____

PROPOSED RULES

DEAR STUDENT:

You have just attended a session in real estate recognized by the Commissioner of Securities as complying with the educational requirement for real estate salespersons pursuant to the REAL ESTATE LICENSE LAW. Since it is the concern of the Commissioner that students receive a quality education, an evaluation from each student is requested. Your constructive comments on the instructor, course content, and classroom environment will help us improve the quality of future offerings.

1. INSTRUCTOR

	<u>Excellent</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>
Instructor's knowledge of the subject was:	()	()	()	()
The organization of material was:	()	()	()	()
The techniques in presenting the material were:	()	()	()	()
The quality of new ideas was:	()	()	()	()
The instructor's ability to answer questions was:	()	()	()	()
The instructor's enthusiasm for the subject was:	()	()	()	()
The relevancy of the examples given was:	()	()	()	()

	<u>Yes</u>	<u>Somewhat</u>	<u>No</u>
Was the instructor able to stimulate your interest:	()	()	()
Will the instruction help you professionally?	()	()	()
Would you want that instructor back?	()	()	()

Other comments on how the instructor could improve this session are:

2. COURSE CONTENT

Please check each of the following that most adequately describes your opinion:

	<u>Yes</u>	<u>Somewhat</u>	<u>No</u>		<u>Yes</u>	<u>Somewhat</u>	<u>No</u>
Was the Course:	()	()	()	Too theoretical?	()	()	()
Up to your expectations?	()	()	()	Too Long?	()	()	()
Generally disappointing?	()	()	()	Too fast paced?	()	()	()
Too sophisticated?	()	()	()	Worth the price?	()	()	()
Understandable?	()	()	()				
Too short to cover material?	()	()	()				

Other comments on how the material or presentation could be improved are:

3. CLASSROOM ENVIRONMENT

	<u>Yes</u>	<u>Somewhat</u>	<u>No</u>
Was the class presented in an atmosphere conducive to learning?	()	()	()
Do you feel the course was well supervised and coordinated?	()	()	()

4. STUDENT'S EXPERIENCE.

How long have you been in the real estate business? _____

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

SDiv 1512

SDiv 1512 (Minn. Stat. § 82.22) Continuing Education.

(a) Approval. An offering of study in the real estate field will be approved by the Commissioner of Securities, pursuant to Minn. Stat., § 82.22, subd. 13, upon compliance with the following requirements.

(b) Curriculum. All real estate salespersons not subject to, or who have completed the education requirements contained in Minn. Stat., § 82.20, subd. 6, and all real estate brokers shall be required to successfully complete forty-five (45) hours of real estate education, either as a student or a lecturer in courses of study approved by the Commissioner of Securities within three years after their annual renewal date. Approved Courses I, II, and III (Continuing Education Credit for approved Courses I, II, and III, may be given to a licensee provided the licensee has not received credit previously for these courses as meeting the initial education requirement). The Commissioner of Securities will also consider courses that are directed to primarily impart substantive and procedural knowledge in the real estate field.

(1) Exclusions. The following course offerings will not be considered by the Commissioner of Securities for continuing education purposes:

(aa) Courses of instruction designed to prepare a student for passing the State real estate broker or salesperson examination.

(bb) Offerings in mechanical office and business skills such as typing, speed-reading, memory improvement, language report writing, advertising, personal motivation, salesmanship and sales psychology.

(cc) Sales promotion, or other meetings held in conjunction with the general business of the licensee's broker.

(dd) No real estate course of study seeking approval pursuant to this rule may be affiliated with any real estate firm or company or real estate franchise, nor controlled by a subsidiary of any real estate broker or real estate franchise, nor presented in any office of a real estate company, firm, or franchise.

(ee) Time devoted to breakfasts, lunches, dinners or other refreshments.

(c) Criteria for continuing education offering approval. The Commissioner will approve any course, seminar, conference, correspondence course, or equivalent, (offering) that is provided by a public or private school, organization, association, person, corporation, society, or similar arrangement (entity). The Commissioner, when acting on an application for approval of an offering, will consider, but not be limited to, the following criteria:

(1) Time limits. Offerings will not be approved by the Commissioner if the total instruction time of the offering is less than one hour.

(2) Attendance. An entity shall certify to the best of its knowledge, the attendance of each student at the offering. The entity's criteria for measuring attendance shall be submitted in the application for course approval under Form D., Number 6.

(3) Records. The entity shall maintain records of students successfully completing any offering for a minimum of three years.

(4) Measure of successful completion.

(aa) Attendance. Credit may be earned on the basis of attendance.

(bb) Examinations. Students need not successfully complete a written examination before credit will be given for completion of a continuing education offering. However, if passing an examination is the measurement of successful completion of an offering, the student credited with successful completion shall be credited with one and one-half hours of continuing education credit for every one hour of attendance. The examination shall be a written, closed book examination and administered by the coordinator or an instructor at the offering site. The entity shall submit the written examination to the Commissioner prior to its use in the course for approval if the aforementioned credit is to be given. Students who take the course and fail the written examination will not be given credit as successfully completing the course by the attendance measure. If a student notifies the coordinator in advance that he is attending the course and will not be examined as a measure

PROPOSED RULES

of successful completion of the course, he may receive credit as successfully completing the course through attendance measures.

(5) Coordinator. Each course of study shall have a coordinator or administrator supervising the program. Such coordinator shall be qualified, either through previous education or experience, to administer a real estate course of study, to evaluate course content and instructors and to analyze examinations (Form C under SDiv 1511).

(6) Instructors. All instructors in a real estate course of study shall file with the Commissioner a resume noting such person has the necessary specialized preparation, training and experience to insure competent instruction. Approval of each instructor will be on an individual basis, and such approval must be obtained from the Commissioner prior to the instructor's lecture in an approved course of study (Form C under SDiv 11.).

(d) Application for approval of offerings. An entity shall apply for approval on Form D, prescribed by the Commissioner of Securities. The application form shall include, but not be limited to, the following information and enclosures:

(1) Name, address, and telephone number of the entity.

(2) Title of the offering.

(3) Complete description of all materials to be distributed to the participants (copies may be submitted in lieu of description).

(4) Date and exact location (city, building, room number and seating capacity) of each presentation of the offering.

(5) Duration and time of offering.

(6) A comprehensive, detailed outline of the subject matter together with the time sequence of each segment,

SDiv 1512

faculty for each segment, teaching technique used in each segment.

(7) Sample of any proposed advertising used for promotional purposes.

(8) The method of evaluation of the program (e.g., participant critique, independent evaluator, etc.).

(9) Procedure for measuring attendance.

(10) Bibliography sketch on the faculty, including name, professional educational background, and practical or teaching experience or a completed resume (Form C.).

(11) If applicable, Service of Process Form D-11 (for out of state offerings only).

(12) Written evidence that the entity seeking approval is:

(aa) If applicable, registered and approved to legally do business in the State of Minnesota.

(bb) If applicable, that the school is licensed or has been determined to be exempt from Minnesota Statutes, Chapter 141.

(e) Material change. The entity's coordinator of each approved real estate offering shall immediately notify the Commissioner of any material changes contained in the application for approval or the attached exhibits. Such changes shall be deemed acceptable by the Commissioner if no action has been taken after seven (7) days from the date received by the Commissioner.

(f) An entity or person may seek approval of a course subsequent to a course offering by submitting all information requested on Form D.

(g) Suspension, revocation or denial of course approval. The Commissioner may deny, suspend or revoke

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

SDiv 1512

approval of a real estate course offering coordinator or instructor if it is determined that they are not in compliance with the law and rules. If disciplinary action is taken a written order of suspension, revocation or denial of approval will be issued.

(h) Substantively identical offerings. Credit for a substantively identical offering may be given only once to any individual during any reporting period.

(i) Credit for teaching. Credit for teaching in an approved offering shall be awarded on the basis of two hours credit for each one hour of actual teaching in the approved offerings. Record of credit must be submitted on Form I.

(j) Conditions for extensions. The Commissioner may grant an extension to any person who evidences bona fide hardship, financial or medical, which prevented completion of the continuing education requirements. The person shall file the appropriate license fee with the renewal application along with the evidence showing hardship and a written request for a specific extension of time.

(k) Advertising. No advertisement, pamphlet, circular or other advertising material pertaining to an approved offering may be circulated or distributed unless it is first approved by the Commissioner. All such advertisements, pamphlets, circulars, etc., shall contain the following language prominently displayed on the front:

“THIS OFFERING HAS BEEN APPROVED BY THE COMMISSIONER OF SECURITIES PURSUANT TO THE MINNESOTA STATUTES, SECTION 82.22, SUBDIVISION 13, RELATING TO CONTINUING REAL ESTATE EDUCATION.”

The preceding language need not be prominently displayed on the front of any out of state offering advertisement, however, it is the responsibility of the entity to show evidence of an approval letter from the Commissioner of Securities approving the course pursuant to the Minn. Stat., § 82.22,

subd. 13. This approval letter must be maintained in the entity's records evidencing that the course is approved.

(l) Notice. At the beginning of each offering, it shall be the responsibility of the entity's coordinator or representative to read the following notice to the student:

“This real estate educational offering of study is recognized by the Commissioner of Securities as applying in satisfaction of _____ hours of credit toward continuing real estate education requirements for real estate licensees pursuant to the “Real Estate License Law.” Since it is the concern of the Commissioner that students receive a quality education, the comments of each student would be appreciated. If you have any comments about this real estate offering of study, your comments should be sent to the Commissioner of Securities, 500 Metro Square Building, St. Paul, Minnesota 55101.”

(m) Facilities. Each course offering shall have such classrooms and other facilities and supportive personnel as is necessary to adequately implement the offerings. Courses operating under the approval of the Commissioner may not be presented in real estate brokers' offices.

(n) Auditing. The Commissioner of Securities, or his designee, reserves the right to audit suspect offerings.

(o) Class offerings enrollment. To insure that professional quality standards are met, each class should have a maximum of fifty (50) students. However, if a lecture is given in a proper environment, the maximum could be four hundred (400), provided that each hour of lecture the student obtains one hour of classroom discussion with a maximum of fifty (50) students.

(p) Offering completion certification — license renewal procedure. Applicants for relicensure must itemize all continuing education courses and the hours of attendance on the form prescribed by the Commissioner and attach this form to the license renewal form showing a total of no less than forty-five (45) clock hours (Form P).

FORM D
APPLICATION FOR APPROVAL OFFERINGS
Pursuant to the Minnesota Statutes, Section 82.22, Subdivision 13, Relating to Continuing Real Estate Education (D)

All of the following information and enclosures must be submitted typewritten.

PROPOSED RULES

1. Name, address and telephone number of the entity _____

2. Title of the Offering _____
3. Date and Exact Location of Each Offering:
Date _____
City _____
Building _____
Room _____
Seating Capacity _____
4. Duration and Time of Offering _____
5. Indicate the method of evaluation of the program (e.g., participant critique, independent evaluator, etc.)

6. Indicate procedure for measuring attendance _____

ENCLOSURES NEEDED:

The following enclosures will be needed to enable the Commissioner of Securities to understand the full scope of your courses:

- 1) Complete description of all materials to be distributed to the participants (copies may be submitted in lieu of description).
- 2) A sample of any proposed advertising to be used for promotional purposes.
- 3) A bibliography of the faculty, including name, professional educational background, and practical teaching experience, or a complete resume Form C "Application for Real Estate Instructor and Coordinator Approval" provided by the Commissioner.
- 4) A comprehensive detail outline of the subject matter together with a time sequence of each segment, faculty for each segment, teaching technique used in each segment. (Please complete outline of course presentation on the reverse side).
- 5) If applicable, Service of Process Form D-11 (for out of state offerings only).
- 6) Written evidence that the entity seeking approval is, 1. if applicable, registered and approved to do business in the State of Minnesota and, 2. if applicable, that the school is licensed pursuant to or exempt from Minnesota Statutes, Chapter 141.

THE COORDINATOR OF EACH APPROVED REAL ESTATE COURSE OF STUDY SHALL IMMEDIATELY REPORT ANY SUBSTANTIAL CHANGES IN THE INFORMATION CONTAINED IN THE APPLICATION FOR APPROVAL OR THE EXHIBITS APPENDED THERETO. SUCH CHANGES SHALL BE DEEMED ACCEPTABLE BY THE COMMISSIONER IF NO ACTION HAS BEEN TAKEN AFTER SEVEN (7) DAYS FROM THE DATE RECEIVED BY THE COMMISSIONER.

As coordinator of the above school seeking approval from the Commissioner of Securities to conduct the required real estate education pursuant to Minnesota Statutes, Section 82.22, Subdivision 13, I affirm that the following statement is true:

The above school seeking approval is not affiliated with, controlled by, nor a subsidiary of any real estate broker or real estate franchise.

Signature of Coordinator

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

OUTLINE OF COURSE PRESENTATION

Time during which each segment will be offered	Subject content of each segment	Faculty for each segment	Teaching technique used in each segment	Total no. of hours devoted to each segment
--	---------------------------------	--------------------------	---	--

Please remit this application and all enclosures to:
 Real Estate Education Coordinator
 334 B.A. Tower, West Bank
 University of Minnesota
 Minneapolis, Minnesota 55455

FORM D-11

APPOINTMENT OF ATTORNEY FOR SERVICE OF PROCESS

KNOW ALL MEN BY THESE PRESENTS:

That in compliance with the Laws of the State of Minnesota, _____ a non-resident, does hereby appoint the Commissioner of Securities of the State of Minnesota, his successor or successors, as his true and lawful attorney upon whom may be served all legal process in any action or proceeding in which he may be a party and which relates to or involves any transaction covered by Chapter 82, Minnesota Statutes, and does hereby expressly consent and agree that service upon such attorney shall be as valid and binding as if due and personal service had been made upon him and that such appointment shall be irrevocable.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19____.

STATE OF _____)
) SS.
 COUNTY OF _____)

On this _____ day of _____, 19____, personally appeared before me, a notary public in and for said County and State, _____ to me known to be the person described in and who executed the foregoing instrument and who, being by me first sworn, acknowledged that he executed the same as his free act and deed.

Notary Public, _____ County _____

My Commission expires _____

PROPOSED RULES

FORM I

STATE OF MINNESOTA

SECURITIES DIVISION

AFFIDAVIT OF TEACHING IN APPROVED CONTINUING REAL ESTATE COURSES

Pursuant to Minnesota Statutes, Section 82.22, Subdivision 13, Relating to Continuing Real Estate Education (I)

1. Name and address of person seeking credit _____

2. Name of licensee's real estate company _____

3. Title of course in which teaching has been done _____

4. Name of sponsoring entity _____
5. Dates when course was presented _____
6. Place (city and exact location) where course was presented _____

7. Subject matter taught _____
8. Type of instruction (lecture, leading of discussion, etc.) _____

9. Number of clock hours spent in teaching _____
10. Description of the content of all written material prepared for the course. A copy of such material may be submitted in lieu of a description _____

I swear or affirm that the information hereon is, to the best of my knowledge, complete and accurate.

NOTE: This completed form must be attached to your license renewal form for credit toward Real Estate Continuing Education requirements and sent to:
Licensing Section
500 Metro Square Building
St. Paul, Minnesota 55101

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

FORM P

STATE OF MINNESOTA

SECURITIES DIVISION

AFFIDAVIT OF ATTENDANCE AT APPROVED CONTINUING REAL ESTATE EDUCATION COURSES

Pursuant to Minnesota Statutes, Section 82.22, Subdivision 13, Relating to Continuing Real Estate Education (P)

1. Name and address of person seeking credit (licensee) _____

2. Name of licensee's real estate company _____

3. Approved courses attended during 3 year period.

<u>Sponsoring Entity</u>	<u>Name of Course</u>	<u>Date of Attendance</u>	<u>No. of Hours Actually Attended</u>
------------------------------	---------------------------	-------------------------------	---

I swear or affirm that the information hereon is, to the best of my knowledge, complete and accurate and that I did in fact attend, for the number of ours indicated, the courses listed.

Applicants for relicensure must itemize all continuing education courses and the hours of attendance on this form and attach this form to the license renewal form showing a total of no less than forty-five (45) clock hours.

NOTE: This completed form must be attached to your license renewal form for credit toward Real Estate Continuing Education requirements and sent to:
Licensing Section
500 Metro Square Building
St. Paul, Minnesota 55101

SDiv 1513 (Minn. Stat. § 82.20) (a) Unclaimed Property Act.

Upon the initial application for a real estate broker's license and upon each annual application for renewal, the applicant or broker shall be required to inform the Commissioner of Securities that he has complied with the requirements set forth in Minn. Stat. ch. 345 relating to unclaimed property.

SDiv 2011

(d) As a condition of being granted a license, every broker-dealer or investment advisor shall inform the Commissioner of Securities that it has complied with the requirements set forth in Minn. Stat. ch. 345 relating to unclaimed property.

SDiv 2027 (a) So long as a registration statement is effective, the issuer shall file an annual report in such form, and containing such information as the Commissioner prescribes. At a minimum, the annual report shall contain the following:

(20) A statement by the issuer that it has complied with the requirements set forth in Minn. Stat. ch. 345 relating to unclaimed property.

SDiv 2138

Upon application for any registration the applicant shall be required to inform the Commissioner of Securities that he has complied with the requirements set forth in Minn. Stat. ch. 345 relating to unclaimed property.

Department of Education Board of Education

Proposed Rules Governing Financial Accounting Reporting Requirements; and Issuance and Renewal of Licenses for School Superintendents and Principals; and the Repeal of EDU 8 and EDU 330

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matters will be held in the Capitol Square Building, Room 716, St. Paul, Minnesota on Tuesday, March 28, 1978, commencing at 9:00 a.m. for the financial accounting reporting requirements, and repeal of EDU 8; and 10:00 a.m. for issuance and renewal of licenses for school superintendents and principals repeal of EDU 330 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 §§ 1.0762, 1.0765 and EDU 8; and 5 MCAR §§ 1.0552-1.0559 and EDU 330 are attached hereto. Section 1.0762 reflects the 1977 legislative prohibition on transferring operating fund assets to nonoperating funds. The repeal of section 1.0765 reflects legislative repeal of a special exemption to the administrative procedures act. The repeal of EDU 8 reflects the duplication of this generalized provision with the specifics since enacted in section 1.0764. One free copy may be obtained by writing to the Minnesota Department of Education, Research and Statistics Section, 736 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. The proposed rules, 5 MCAR §§ 1.0552-1.0559, bring together all re-

quirements pertaining to the licensure of school superintendents and principals and include the following: establishment of an advisory committee; the kinds of licenses which may be issued and the requirements for each; requirements for the approval of programs; grounds for suspension and revocation of licenses, requirements for human relations training; and requirements for the issuance and renewal of licenses, including fees. EDU 330 is to be repealed since its contents are included in the proposed set of rules. One free copy may be obtained by writing to the Minnesota Department of Education, 610 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 § 125.05. 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.

State of Minnesota
Board of Education
Howard B. Casmey, Secretary

Rules as Proposed

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

EDU 8 Annual audit. Repealed.

~~A. An audit shall be made annually of all accounts of school districts and unorganized territory. Such audit shall~~

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EDU 8

be completed within one year following the year being audited.

B. The audit shall be performed by a member of the staff of the state auditor, or a certified public accountant, or a public accountant. A public accountant is defined as one who has for five years been engaged primarily in the business of public accounting.

C. The audit shall be performed in accordance with "Minimum Audit Procedures for Minnesota Municipalities" published by the Department of Public Examiners in 1960, including the 1964 Supplement and any subsequent revisions or supplements.

D. A copy of each audit shall be furnished the state board of education.

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

5 MCAR § 1.0762 Fund accounting.

F. General fund assets may be used for any general or special operating purpose of a school district and may be transferred permanently by local governing board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The amount of general fund assets to be used to eliminate a negative unappropriated building construction fund balance shall not exceed the amount of such unappropriated fund balance reduced by the sum, if greater than zero, of

(a) The unappropriated fund balance in the capital expenditure fund, projected to the end of the current fiscal year, plus

(b) The under levies for capital expenditures in the five previous levies.

5 MCAR § 1.0765 Amendment Repealed.

A. The requirements of this chapter, including classifications of funds and accounts, are subject to amendment as provided in this section unless otherwise provided in statute.

B. Any proposals by the state board for revision of the requirements in this chapter must be published in the state

register. If after twenty days there is no petition for a hearing pursuant to the requirements of Minn. Stat. ch. 15, such revisions shall be incorporated into this chapter. However, upon receipt of a petition from any interested person upon such proposed revision, the state board shall proceed according to Minn. Stat. § 15.0412.

Chapter Seventeen: Certificates, Administrators and Supervisors

EDU 330 School administrators. Repealed.

A. This regulation is effective July 1, 1974, for all applicants for entrance certificates for school administration. School administrators include all persons who function as, or who are classified as, school superintendents and assistant superintendents, elementary school principals and assistant principals, secondary school principals and assistant principals.

B. Certificates shall be issued separately for each of the following positions:

- 1- Superintendent of schools
- 2- Elementary school principal
- 3- Secondary school principal

C. All candidates for certification shall have satisfactorily completed a program in school administration appropriate for the certificate requested which is approved by the department of education and

- 1- which results in a specialist or higher degree, or
- 2- which results in the completion of a program consisting of a minimum of 45 quarter credits, or the equivalent, beyond a master's degree.

D. Evidence shall be provided to the state department of education by those responsible for the training programs to show that competency-based programs submitted for approval have been developed with appropriate participation from school administrators, teachers, school board members, and citizens. All applicants for administrative certifications recommended by those responsible for training programs shall have competencies in all of the following areas: school administration, supervision, curriculum, and instruction.

E. All candidates shall have completed three years of successful teaching experience on a certificate valid for the position in which the experience was obtained. For elementary principals, the experience must be at the elementary level. For secondary principals, the experience must be at the secondary level.

PROPOSED RULES

5 MCAR § 1.0553

F. The issuance of the first continuing certificate is contingent upon:

1. The candidate's possession of an issued valid and appropriate administrative entrance certificate, and

2. One year of successful experience in the certificated administrative role during the time that the applicant holds an appropriate administrative entrance certificate.

G. Persons holding standard or provisional certificates for one of the administrative roles, whose first certificate for this role was issued prior to September 1, 1967, may be issued a continuing administrative certificate upon the next renewal.

H. The continuing certificate may be renewed according to general regulations of the state board of education pertaining to continuing education.

I. In order to provide means for persons holding standard administrator's certificates to phase into the requirements of EDU 330, sections A. through H., the following provisions of section I. shall pertain until July 1, 1979, at which time section I. shall be deleted from EDU 330 without further action of the board of education.

1. Persons holding standard certificates for one of the administrative roles whose first certificate for this role was issued after September 1, 1967, shall complete the requirements of EDU 330, sections A. through H., by July 1, 1979, or on the next date when an applicant's certificate must be renewed if it falls after July 1, 1979.

2. Any person whose standard certificate as a school administrator lapses after July 1, 1974, shall meet requirements of EDU 330, sections A. through H.

(EDU 1973; 1975)

Chapter Twenty-Eight: Issuance and Renewal of Continuing Certificates Licenses for School Superintendents and Principals

5 MCAR § 1.0552 Definition and scope.

A. Definition of terms:

1. The term superintendent includes assistant superintendents; the terms elementary school principal and secondary school principal include assistant principals; and the

term principal includes all elementary and secondary school principals and assistant principals.

2. Administrative licensure areas are the areas of superintendent of schools, elementary school principal, and secondary school principal.

3. Licensed administrator means a person holding an appropriate license for a position as superintendent, assistant superintendent, principal, or assistant principal.

4. The term clock hours means clock hours of actual instruction or supervised group activities in an approved Minnesota continuing education program. Hours devoted to individual professional development activity are in addition to specified clock hours and are not counted as clock hours.

5. The term initiator means the individual, agency, or institution that initiates and conducts administrative continuing education programs in accordance with 5 MCAR § 1.0556.

B. Persons holding positions as superintendents and principals must be licensed as follows:

1. Superintendents and assistant superintendents must hold Minnesota licenses as superintendents of schools.

2. Elementary school principals and assistant elementary school principals must hold Minnesota licenses as elementary school principals.

3. Secondary school principals and assistant secondary school principals must hold Minnesota licenses as secondary school principals.

5 MCAR § 1.0553 A school administration standards and licensure advisory task force shall be established which is advisory to the board of education.

A. The purposes of the task force are:

1. To review proposed rules pertaining to the prepara-

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. **Strike outs** indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR § 1.0553

tion and licensure of school administrators and to provide written recommendations concerning such proposals to the board of education.

2. To work with licensed administrators practicing in Minnesota schools to identify needed areas of study for administrative continuing education programs.

3. To study and make recommendations for affirmative action in the preparation and employment of school administrators.

4. To review and recommend approval of continuing education programs for administrators to the commissioner of education. The task force may appoint subcommittees to meet this responsibility.

B. The task force shall meet at least three times during each school year.

1. The first meeting of each year will be called by the commissioner of education and will be held before October 31.

2. At the first meeting, a chairman, secretary, and any other officers deemed necessary by the members shall be elected from the voting members. Officers shall serve for one year.

C. The task force shall consist of eleven voting and two nonvoting members as follows:

1. Two elementary school principals;

2. Two secondary school principals;

3. Two school superintendents;

4. One teacher;

5. Two administrators or faculty members in education from colleges with approved school administration programs;

6. One member of a Minnesota school board;

7. One individual employed outside education who has an executive or management position with a level of

responsibility similar to that of a superintendent in a large school district;

8. Two members of the public;

9. Two nonvoting members from the department of education staff.

D. Task force members are appointed by the board of education for terms of two years. Members may not serve for more than two terms.

1. Membership terms begin with the first task force meeting of the school year.

2. Members shall serve until successors are appointed.

3. A vacancy during the term of a member shall be filled by the board of education.

4. The position of a member who leaves Minnesota or whose employment status changes to a licensure area different from that from which appointment was made shall be deemed vacant.

5. Members shall be qualified as follows:

a. All members shall be selected on the basis of experience, and knowledge of, and interest in, the preparation and licensure qualifications of school administrators.

b. Members who are teachers, principals, and superintendents must

(1) Be currently practicing in Minnesota in the licensure area that they represent;

(2) Hold a current Minnesota license valid for their present position.

5 MCAR § 1.0554 Types of licenses. Entrance licenses and continuing licenses may be issued for each administrative licensure area, and an applicant must meet requirements in each area where licensure is sought as specified in A. and B., below. Life licenses may be held by those who meet requirements as specified in C., below.

A. Entrance license.

PROPOSED RULES

1. Requirements must be met for each administrative area where licensure is sought. An entrance license may be issued to an applicant who has met all of the following requirements. An applicant must:

a. Have had three years of classroom teaching experience while holding licenses valid for the position or positions in which the experience was gained. Elementary school principals must have at least three years of teaching experience in one or more grades, kindergarten through 6. Secondary school principals must have at least three years of teaching experience in one or more grades, 7 through 12. Superintendents of schools must have at least three years of teaching experience in one or more grades, kindergarten through 12.

b. Complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter credits, in the administrative area for which licensure is sought. Each program to be approved by the commissioner of education must:

(1) Be offered at a regionally accredited Minnesota graduate school.

(2) Include a field experience as follows:

(a) Programs which prepare elementary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in an elementary school as an administrative aide to a licensed and practicing elementary school principal. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(b) Programs which prepare secondary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in a secondary school as an administrative aide to a licensed and practicing secondary school principal, or in an administrative placement with a licensed educational administrator appropriate for the secondary school principalship and for the individual.

5 MCAR § 1.0554

(c) Programs which prepare superintendents of schools and assistant superintendents must include at least 200 clock hours of field experience, or equivalent. The field experience shall be in an administrative placement with a licensed educational administrator appropriate for the superintendency and for the individual.

(d) Persons who have gained licensure in one administrative area and who have completed 3 years of experience under that administrative license may qualify for licensure in another administrative area by completing the required teaching experience and the approved program for that area except that an administrative field experience may be waived.

c. Fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

d. Be recommended for licensure by a Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the commissioner of education a transcript of college or university work to be analyzed in order to determine comparability of program.

2. An administrative licensure program completed outside Minnesota must be offered by a regionally accredited graduate school and be comparable to approved programs in Minnesota. Comparability of program is determined by the commissioner of education. Experienced administrators entering Minnesota may offer one year of full-time experience in each administrative area where licensure is requested as a substitute for field experience required as part of the program of preparation.

3. An entrance license is the first license issued in any administrative licensure area and is valid for a term of two years and is not renewable except in the case of an applicant who is unable to gain one year of experience as an administrator during the term of the entrance license. In such a case, the entrance license may be allowed to expire and a one-

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR § 1.0554

year, nonrenewable entrance license may be issued at such time as the applicant secures a position.

B. Continuing license.

1. The first continuing license may be issued to an applicant who has met all of the following requirements. An applicant must:

a. Hold, or have held, an entrance license in the administrative area for which the continuing license is requested.

b. Provide evidence of at least one year of experience in the administrative area for which the continuing license is requested while holding an entrance license or a one-year, nonrenewable entrance license for that administrative area.

2. The second and subsequent continuing licenses may be issued to an applicant who has met both of the following requirements during the term of the continuing license which is expiring. An applicant must:

a. Provide evidence to the office of the commissioner of education of the completion of at least 125 clock hours of approved administrative continuing education.

b. Provide a record, to be on file in the central office of the employing school district or agency, of the completion of at least 75 hours of individual professional development activity related to school administration.

3. In the case of a continuing license which has been allowed to lapse:

a. An applicant must provide evidence that 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or

b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved administrative con-

tinuing education and 75 hours of individual professional development activity as required in 2.a. and b., of this rule, a two-year, nonrenewable continuing license may be granted. Upon expiration of the two-year, nonrenewable continuing license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. and b., of this rule.

4. The term of each continuing license is five years. Renewal requirements must be met during the five-year term for each continuing license.

5. The expiration date for all areas of continuing licensure will be the expiration date established for the first continuing license issued to an applicant.

6. An applicant for a license under this section must also fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

C. Life license or permanent license. Any person holding a Minnesota life or permanent license in an administrative area need not hold an entrance or a continuing license in that administrative licensure area.

5 MCAR § 1.0555 Approval of programs which prepare school administrators for entrance licensure.

A. All programs which prepare applicants for entrance licenses in the licensure areas of superintendent of schools, elementary school principal, and secondary school principal must be approved by the commissioner of education.

B. All programs which prepare applicants for entrance licensure in administration shall be developed with the involvement of licensed administrators currently practicing in Minnesota school districts.

C. Each college or university developing programs to prepare school administrators for licensure shall designate an official of that institution to be responsible for:

1. Developing proposals for programs to prepare school administrators for licensure. Each licensure program must be described separately. A college or university may request approval for any, or all, of the following programs of preparation:

PROPOSED RULES

5 MCAR § 1.0555

a. Superintendent of schools, specialist or doctoral degree;

b. Superintendent of schools, master's degree plus 45 quarter credits;

c. Elementary school principal, specialist or doctoral degree;

d. Elementary school principal, master's degree plus 45 quarter credits;

e. Secondary school principal, specialist or doctoral degree;

f. Secondary school principal, master's degree plus 45 quarter credits.

2. Providing evidence that licensed administrators practicing in Minnesota school districts have been involved in planning the program being forwarded for approval.

3. Forwarding program proposals to the commissioner of education and arranging for site visits for the study of administrative programs proposed for initial approval.

4. Maintaining approval status of administrative programs by communicating with the commissioner of education concerning changes in program status. The designated official shall forward program descriptions and arrange for on-site reviews at least once during each five-year period.

5. Recommending to the commissioner of education candidates who satisfactorily complete approved programs for entrance licensure.

D. Each administrative program proposal shall contain:

1. A description of planning activities.

2. A statement of program goals.

3. A description of the administrative roles and function for which the program is designed to prepare candidates.

4. A copy of information to be included in the college bulletin which sets forth all requirements for entrance licensure.

5. A complete description of the proposed program which includes:

a. Statements of expected learning outcomes including knowledge, skills, and understandings for each of the program areas including: school administration, supervision, curriculum, and instruction.

b. Descriptions of program components designed to develop specified learning outcomes which include a description of means to be used to achieve learning outcomes for each component.

c. Statements which relate expected learning outcomes to goals and to components of the program.

d. The means by which achievement of specified learning outcomes will be determined for each student.

6. Evidence that qualified faculty will be assigned to the program.

7. Evidence that resources, in addition to faculty, necessary to support the program have been allocated.

8. A plan for program evaluation which will enable the college or university to determine whether program goals have been achieved.

E. Programs will be approved for periods of five years. Six months before the end of the period for which approval of the program is granted, the college or university must forward a request for continued approval, a current program proposal as described in D., above, and arrange for a site visit to be administered by staff of the Minnesota department of education. Site visit teams shall be appointed by the commissioner of education and shall include licensed practicing administrators with representation from each administrative licensure area for which a program is to be

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. **Strike outs** indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR § 1.0555

studied. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of entrance license requirements.

5 MCAR § 1.0556 Approval of administrative continuing education programs.

A. All administrative continuing education programs for the licensure areas of superintendent of schools, elementary school principal, and secondary school principal, and the clock hours which may be earned in each program, must be approved by the commissioner of education.

1. If clock hours are to be earned, approval must be secured before participants are registered in an administrative continuing education program.

2. Admission to all approved administrative continuing education programs shall be open to any licensed Minnesota school administrator who meets the education and experience requirements for admission.

3. The department of education shall disseminate lists of known approved administrative continuing education programs twice annually.

B. The initiator of an administrative continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector.

C. The program initiator is responsible for:

1. Developing proposals for administrative continuing education programs in areas of study which have been identified in cooperation with licensed administrators practicing in Minnesota school districts.

2. Forwarding continuing education program proposals to the commissioner of education for approval.

3. Maintaining communication with the commissioner of education concerning the status of all approved administrative continuing education programs offered.

4. Reporting to the commissioner of education the names of all individuals who complete an approved administrative continuing education program including the number of clock hours earned by each individual.

D. Each administrative continuing education program shall consist of at least three clock hours and each program proposal shall contain:

1. A description of planning activities including a list of names, addresses, and positions of those involved in planning.

2. A description of the client group, or groups, for whom the program is designed.

3. A statement of program goals which relates goals to client demands.

4. A statement concerning any prerequisite education or experience required for admission to the program.

5. A description of the proposed administrative continuing education program which includes:

a. Statements of expected learning outcomes.

b. Descriptions of program components designed to develop specified learning outcomes.

c. The means by which achievement of specified learning outcomes will be determined for each program participant.

6. Statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is to be offered during the approval period.

7. Evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.

E. Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of continuing education requirements.

PROPOSED RULES

5 MCAR § 1.0557 Suspension and revocation of licenses.

A. The license of a principal or superintendent may be revoked or suspended for any of the following causes:

1. Immoral character or conduct;
2. A breach of contract of employment without justifiable cause;
3. Overall gross inefficiency or willful neglect of duty;
4. Fraud or misrepresentation in obtaining a license.

B. The state board of education may act to suspend or revoke the license of a superintendent or principal after the following procedures have been followed:

1. A written complaint which specifies the nature and character of the charges is filed with the state board of education by either the school board employing the superintendent or principal, or by the commissioner of education.

2. The commissioner of education, within 10 days after the filing of the complaint with the state board of education, serves a copy of the complaint upon the superintendent or principal by registered mail addressed to such superintendent or principal at the last known address.

3. The superintendent or principal, within 20 days after the service of the copy of charges, files with the state board of education any answer to the charges specified. The failure to answer within the 20 day period shall result in the right to a hearing being waived.

4. A hearing conducted in accordance with the rules of the office of the hearing examiner shall be held.

5 MCAR § 1.0558 Human relations requirement.

A. All applicants for licenses as superintendents or principals must complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances

5 MCAR § 1.0559

where the person holding a life license in one or more areas of school administration seeks to be licensed, or to have a license renewed, in another administrative area for which the person does not hold a life license. In addition, persons from outside Minnesota who wish to be licensed in an administrative area must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the commissioner of education.

B. Human relations components of programs which lead to administrative licensure in education will be approved upon submission of evidence:

1. Showing that the human relations components have been developed with participation of members of various racial, cultural, handicapped, and economic groups. Participation in planning shall be equitably distributed between men and women.

2. Showing that the human relations components are planned to develop the ability of applicants to:

a. Understand the contributions and life styles of the various racial, cultural, handicapped, and economic groups in our society, and

b. Recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism and

c. Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and

d. Respect human diversity and personal rights.

3. Relating all of the areas enumerated in B.2. to specific competencies to be developed, and

4. Indicating means for assessment of competencies.

5 MCAR § 1.0559 The issuance and renewal of licenses.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR § 1.0559

A. All licenses to serve as superintendent and principal shall bear the date of issue and the date of expiration and may be renewed on or before July 1 in the year of expiration.

B. After July 1 in the year of expiration, all licenses to serve as superintendent and principal shall be deemed expired and no longer valid for administration.

C. Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of twenty dollars (\$20.00).

5 MCAR § 1.05599 In order to provide means for persons holding standard administrator licenses granted under prior rules of the state board of education to phase into the requirements of 5 MCAR § 1.0554, the following provisions of 5 MCAR § 1.05599 shall pertain until July 1, 1979, at which time 5 MCAR § 1.05599 shall be deleted without further action of the board of education.

A. Persons holding standard licenses for one of the administrative areas whose first license for this area was issued after September 1, 1967, shall complete the requirements of 5 MCAR § 1.0554, section A., by July 1, 1979, or on the next date when an applicant's license must be renewed if it falls after July 1, 1979.

B. Any person whose standard license as a school administrator lapsed after July 1, 1974, shall meet requirements of 5 MCAR § 1.0554.

Energy Agency

Proposed Rules Governing Contents of Applications for Certificate of Need and Criteria for Assessment of Need for Large Liquefied Gas Storage Facilities, Large Underground Gas Storage Facilities, and Large Gas Pipelines

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held in Room D of the Veterans

Service Building, Saint Paul, Minnesota 55155 on March 23, 1978, commencing at 9:30 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 William Seltzer, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone 612/296-8105, either before the hearing or for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

All persons have the right to be notified of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. All persons also have the right to be informed of the date on which the hearing record has been submitted to the Attorney General by the Agency. If you desire to be notified, you may so indicate at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

The proposed rules, if adopted, would establish the contents of applications for certificates and criteria for assessment of need for large liquefied gas storage facilities, large underground gas storage facilities, and large gas pipelines. After the assessment of need criteria have been promulgated, no large energy facility covered by these rules shall be sited or constructed in Minnesota without the issuance of a Certificate of Need by the Director of the Minnesota Energy Agency.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Energy Agency, 720 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101. Copies will also be available at the door on the date of the hearing. The Agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 116H.08(a) and 116H.13 (1976).

Notice is hereby given that 25 days prior to the hearing a statement of need and reasonableness will be available for review at the Agency and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the Agency at the hearing justifying both the need for and the reasonableness of the proposed amended rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by com-

PROPOSED RULES

EA 701

municating 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 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, Saint Paul, Minnesota 55155, telephone 612/296-5615.

John P. Millhone
Director

Rules as Proposed

Chapter Seven: EA 701-791

EA 701 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 annual amount of natural or synthetic gas used or disposed of in Minnesota for all purposes by either a utility or pipeline company. This definition shall not include natural gas in storage at the end of the reporting year;
- C. "Construction" means significant physical alteration of a site to install or enlarge a large energy facility but not including activities incident to preliminary engineering or environmental studies;
- D. "Curtailement" means reduction or cutoff of supply to interruptible contract customers which is related directly to deficiencies in gas supply;
- E. "Design Day" means the 24-hour period of the greatest theoretical gas demand at a given average temperature;
- F. "Design Day Availability" means the volume of each type of gas arranged to be available on the design day and the maximum total volume of such supply;
- G. "Director" means the director of the Minnesota Energy Agency;
- H. "Equivalent Mcf" shall mean the volume in thousands of cubic feet (Mcf) of the liquefied gas if it were gasified, measured at 14.73 pounds per square inch absolute (psia) and 60°F;
- I. "Firm Contract Customers" means customers served under schedules or contracts which neither anticipate nor permit interruption unless a state of emergency exists;
- J. "Forecast Years" means the 18 calendar years consisting of the calendar year the application is filed with the Agency, the ten previous calendar years, and the first five, tenth and fifteenth subsequent calendar years;
- K. "Gas Volume" means the volume of gas as measured at 14.73 psia and 60°F. All volumes shall be in Mcf unless otherwise stated;
- L. "Interruptible Contract Customers" means customers served under schedules or contracts which anticipate or permit interruption of service during the term of the contract;
- M. "Large Gas Pipeline" means any pipeline for transporting natural or synthetic gas at pressures in excess of 200 psia with more than 50 miles of its length in Minnesota;
- N. "Large Liquefied Gas Storage Facility" means any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural or synthetic gas;
- O. "Large Underground Gas Storage Facility" means any facility requiring a permit pursuant to Minn. Stat. §§ 84.57-.621;
- P. "Liquefied Gas" means natural or synthetic gas stored or transported as a liquid;
- Q. "Minnesota Service Area" means the geographical area within the State of Minnesota where a utility or a pipeline company serves ultimate consumers. The Minnesota service area for a pipeline company shall also include all Minnesota utilities it serves;
- R. "MMcfd-mile" means a descriptive unit used as a measure of the size of the pipeline, the quantity of which is obtained by multiplying (1) either the length in miles of the Minnesota portion of the new (sections of) pipeline, or 50 if the capacity expansion would be achieved by adding power, with (2) the new or additional design throughout in thousands of Mcf or equivalent Mcf per day (MMcfd). If the capacity would be expanded by a combination of looping and adding power, then the MMcfd-mile corresponding

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 701

to each method of expansion shall be calculated and the pipeline size shall be the sum of the two quantities thus calculated;

- S. "Natural Gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases and vapors found in porous geologic formations beneath the earth's surface, the principal constituent of which is methane;
- T. "Off-peak Contract Customers" means customers served on special schedules or contracts on a firm basis but only for a specified time during the off-peak season;
- U. "Peak Day" means the 24-hour period of greatest gas sendout;
- V. "Person" means an individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, or a government or governmental subdivision, unit or agency, other than a court of law;
- W. "Petroleum Supplier" means any petroleum refinery in the state and any entity, other than a utility, engaged in the transmission or wholesale distribution of more than 100,000 gallons of crude petroleum or petroleum fuels or oil or their derivatives or liquefied gas, in this state;
- X. "Pipeline Company" means an entity which operates a large gas pipeline;
- Y. "Substantially Complete Application" means an application which is deemed by the director to be in substantial compliance with the informational requirements of these rules;
- Z. "Synthetic Gas" means flammable gas created from gaseous, liquid, or solid hydrocarbons or other organic or inorganic matter. Synthetic gas shall include ethane, propane, butane, or their mixtures whether extracted from gas streams, lifted from oil and gas wells, or produced at refineries or fuel conversion plants. It shall also include hydrogen or methane produced at conversion plants;
- AA. "System" means that combination of production, gathering, processing, transmission, and storage facilities of the pipeline company or utility for the delivery of natural or synthetic gas to other pipeline companies, other utilities or ultimate consumers and includes the company's geographic service area;

BB. "Utility" means any entity engaged in Minnesota in the transmission or distribution of natural or synthetic gas to ultimate consumers including, but not limited to, a private investor-owned utility or a public or municipally-owned utility; and

CC. "Ultimate Consumers" means end-use customers, who do not purchase natural gas or synthetic gas for resale.

EA 702 Purpose of rules. The purpose of these rules is to specify the contents of applications for certificates of need and to specify criteria for assessment of need for large liquefied gas storage facilities, large underground gas storage facilities and large gas pipelines for utilities and pipeline companies pursuant to Minn. Stat. § 116H.13.

EA 703 Applicability of rules.

- A. A petroleum supplier applying for a certificate of need to construct a large liquefied gas storage facility or large gas pipeline shall apply under Minn. Regs. EA 1001 et seq.; an energy user shall apply under 6 MCAR § 2.0801 et seq.
- B. Each utility or pipeline company applying for a certificate of need to construct one of the following types of large energy facilities shall provide all information required by these rules:
 - 1. a new large liquefied gas storage facility;
 - 2. a large underground gas storage facility;
 - 3. a new large gas pipeline;
 - 4. any project which, within a period of 2 years, would expand the capacity of an existing large liquefied gas storage facility in excess of either 20% of capacity or 100,000 gallons, whichever is greater;
 - 5. any project which, within a period of 2 years, would expand the capacity of an existing large gas pipeline in excess of either 20% of rated design throughout or 17,000 Mcf per day (or equivalent Mcf per day), whichever is greater; and
 - 6. any project which, within a period of 2 years, would expand the capacity of an existing large underground gas storage facility in excess of 20% of capacity.
- C. Exceptions.
 - 1. Any person who as of the effective date of these rules has begun or has completed construction of a

PROPOSED RULES

large energy facility shall not be subject to these rules for that facility.

2. An interstate pipeline requiring a certificate of public convenience and necessity from the Federal Energy Regulatory Commission shall not be subject to these rules.

EA 704 Application procedures and timing.

- A. Each applicant for a certificate of need shall apply in a form and manner prescribed by the director.
- B. A minimum of seven (7) bound copies and one (1) unbound copy of the application shall be filed with the director. The director may require additional bound copies, not to exceed 100 copies total. All documents, forms, and schedules filed with the application shall be typed on 8½"×11" paper except for drawings, maps, and similar materials. Each application shall contain a title page and a complete table of contents which includes the applicable rule by the titles and numbers given in these rules. The date of preparation and the applicant's name shall appear on the title page, as well as on each document filed with the application.
- C. Subsequent to the filing of an application, any changes or corrections to the application shall comply with rule EA 704 B. as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the revision was made. The original copy of the changes or corrections shall be filed with the hearing examiner, and the remaining copies shall be submitted to the director.
- D. Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested and the number of copies of the application filed.
- E. A hearing examiner shall be assigned, and a public hearing shall be scheduled to commence no later than eight days after the receipt of the application, in accordance with Minnesota Energy Agency Rules of Procedure Governing Certificate of Need Program, Minn. Regs. EA 500 et seq., and the Hearing

EA 705

Examiner Rules for Contested Case Procedures, Minn. Regs. HE 201 et seq.

- F. A decision on an application for a certificate of need shall be made by the director no later than six months from the receipt of the application, provided that the application as received is substantially complete.
- G. The director shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct any deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of resubmission, assuming it is then substantially complete.
- H. Prior to the submission of an application, a person may be exempted from any data requirement of these rules upon a written request to the director for exemption from specified rules and a showing by that person in the request that the data requirement (1) is unnecessary to determine the need for the proposed facility or (2) may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The director shall respond in writing to each such request within 15 days of receipt including reasons for the decision. The director shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.
- I. When an application is denied, the director shall state the reason(s) for the denial.

EA 705 Filing fees and payment schedule.

- A. The fee for processing an application shall be:
 1. \$2,000 plus \$10 per 4,000 Mcf of design storage capacity for a large underground gas storage facility;
 2. \$2,000 plus \$10 per one hundred thousand gallons of design storage capacity for a large liquefied gas storage capacity; or
 3. \$5,000 plus \$0.60 per MMcfpd-mile for a large gas pipeline;plus such additional fees as are reasonably neces-

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 705

sary for completion of the evaluation of need for the proposed facility. In no event shall the total fee required of the applicant exceed \$50,000.

- B. Fifty percent of the fee set according to item A.1, A.2, or A.3. of rule EA 705 shall accompany the application and the balance shall be paid 90 days after submission of the application. The applicant shall be notified when any additional fees are due and shall pay them within 30 days of notification. The billing for such additional fees shall be accompanied by an itemized statement.
- C. No certificate of need shall be issued unless all fees are paid in full.

EA 711 Criteria for assessment of need.

- A. Purpose of the criteria. The criteria for assessment of need shall be used by the director in the determination of the need for a proposed large energy facility pursuant to Minn. Stat. ch. 116H. The factors listed under each of the criteria below shall be evaluated to the extent that the director deems them applicable and pertinent to each facility proposed pursuant to these rules. The director shall make a specific written finding with respect to each of the criteria.
- B. Consideration of alternatives. The director shall consider only those alternatives proposed before the close of the public hearing and for which there exists substantial evidence on the record with respect to each of the criteria listed in rule EA 711 C.
- C. Criteria. A certificate of need shall be granted to the applicant if it is determined that:
 - 1. the probable result of denial would adversely affect the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states, considering:
 - a. the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;
 - b. the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;
 - c. the effects of the applicant's promotional practices which may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;

- d. the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and
 - e. the effect of the proposed facility, or a suitable modification of it, in making efficient use of resources;
- 2. a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of evidence on the record by parties or persons other than the applicant considering:
 - a. the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;
 - b. the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;
 - c. the effects of the proposed facility upon the natural and socioeconomic environments compared to the effects of reasonable alternatives; and
 - d. the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;
 - 3. the consequences to society of granting the certificate of need are more favorable than the consequences of denying the certificate, considering:
 - a. the relationship of the proposed facility, or a suitable modification of it, to overall state energy needs;
 - b. the effects of the proposed facility, or a suitable modification of it, upon the natural and socioeconomic environments compared to the effects of not building the facility;
 - c. the effects of the proposed facility, or a suitable modification of it, in inducing future development; and
 - d. the socially beneficial uses of the output of the proposed facility, or a suitable modification of it, including its uses to protect or enhance environmental quality;

and that

PROPOSED RULES

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

EA 733

application and the signature of the preparer of the application if prepared by an outside agent.

EA 721 Contents of application.

- A. Each application for a certificate of need shall provide all information required by rules EA 731-743.
- B. Joint Application. If the proposed application for a certificate of need is jointly submitted by two or more persons, each such person shall, when so specified, submit the information required by these rules.
- C. Multi-Party Ownership and Use. Each application for a certificate of need for a facility which would be owned and/or used by two or more persons shall be considered as a joint application for purposes of these rules.

EA 731 General information.

- A. Each application shall contain a general information section which shall include the following information:
 1. the applicant's complete name and address, telephone number, and standard industrial classification code(s);
 2. the complete name, title, address and telephone number of the official or agent to be contacted concerning the applicant's filing;
 3. a brief description of the proposed facility, its complete address (if known) or general location, a brief description of its planned use, its estimated cost, its planned in-service date, and its design capacity in gallons (liquefied gas storage), its design capacity in Mcf or equivalent Mcf (underground gas storage) or its length in miles and maximum design throughput in gallons per day or Mcf per day (gas pipeline);
 4. the total fee for the application as prescribed by rule EA 705, and the amount of the fee submitted with the application; and
 5. the signature(s), and title(s) of the applicant's officer(s) or executive(s) authorized to sign the

- B. Each application shall contain a schedule in the general information section which lists all known federal, state, and local agencies or authorities with which the applicant must file for the proposed facility. The following information shall be included on the schedule:
 1. the names of all known federal, state, or local agencies or authorities with which the applicant must file;
 2. the title of each permit or certificate issued by the authorities named in response to rule EA 731 B.1;
 3. for each permit or certificate listed in response to rule EA 731 B.2, the date an application was filed or the projected date of future application;
 4. for each permit or certificate listed in response to rule EA 731 B.2, the actual date a decision was made on the application, or the anticipated decision date; and
 5. for each permit or certificate listed in response to rule EA 731 B.2, for which an application was filed, the disposition or status of the permit or certificate.

EA 732 Need summary. Each application shall contain a section which summarizes the major factors which justify the need for the proposed facility. The summary shall not exceed, without the approval of the director, 15 pages in length, including text, tables, schedules, graphs, and figures.

EA 733 Summary of additional considerations. Each application shall contain a section which discusses the socioeconomic considerations listed below. The applicant shall explain the relationship of the proposed facility to each of the following:

- A. socially beneficial uses of the output of the facility, including its uses to protect or enhance environmental quality;
- B. promotional activities which may have given rise to the demand for the facility; and

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 733

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

EA 734 Conservation programs. Each application shall contain a section which relates to the conservation of energy. Separate responses are required from each person submitting a joint application. The following information shall be included:

- A. the energy committee or an individual responsible for determination or coordination of the applicant's energy needs;
- B. the applicant's energy conservation and efficiency goals and objectives;
- C. a description of the major energy conservation and efficiency programs the applicant has considered, a list of those which have been implemented, and the reasons why the other programs have not been implemented;
- D. the major accomplishments in energy conservation and efficiency that have been made by the applicant within the past five years;
- E. the major energy conservation and efficiency programs which will be implemented within the next five years;
- F. the manner by which these energy conservation and efficiency programs have been reflected in the forecast given in response to rule EA 735.

EA 735 Peak demand and annual gas sales forecast. In a joint application, separate responses are required from each person for information required by rule EA 735.

- A. **Scope.** Each application shall contain actual data and forecasts of peak demand and annual gas consumption within the applicant's service area and system. When recorded data is not available, or when the applicant does not use the required data in preparing its own forecast, the applicant shall use an estimate and indicate in the forecast justification section (rule EA 735 C.) the procedure(s) used in deriving the estimate. The application shall clearly indicate which are historical data and which are estimates. Data provided by the applicant should be reasonable and internally consistent.
- B. **Content.** For each forecast year, the following data shall be provided:
 - 1. if the applicant's service area includes areas other

than Minnesota, annual gas consumption by ultimate consumers within the applicant's Minnesota service area;

- 2. annual gas consumption by ultimate consumers and the number of such customers within the applicant's system in the following categories:
 - a. residential firm (when gas is supplied through a single meter for both residential and commercial uses, it should be reported according to its principal use, and apartment buildings shall be reported as residential even if not metered separately);
 - b. commercial firm who use less than 200 Mcf on peak day;
 - c. commercial firm with a peak day requirement equal to or greater than 200 Mcf;
 - d. industrial firm who use less than 200 Mcf on peak day;
 - e. industrial firm with a peak day requirement equal to or greater than 200 Mcf;
 - f. commercial and industrial interruptible;
 - g. other (this category shall include storage gas and other sales or deliveries not covered in categories a through f);
 - h. unaccounted for; and
 - i. the sum of categories a through h;
- 3. an estimate of the daily demand for gas by ultimate consumers in the applicant's system for each of the categories listed in rule EA 735 B.2. at the time of the applicant's system peak demand; and
- 4. the applicant's system peak demand by month.

C. Forecast justification

- 1. **Forecast methodology.** Each applicant may use a forecast methodology of its own choosing, with due consideration given to cost, manpower requirements and data availability. However, any forecasts provided by the applicant shall be subject to tests of accuracy, reasonableness and consistency. The applicant shall detail the forecast methodology employed to obtain the forecasts provided under section B. of rule EA 735, including:

PROPOSED RULES

EA 735

- a. the overall methodological framework which is used;
 - b. the specific analytical techniques which are 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:
 - (1) the purpose of the technique;
 - (2) typical computations (e.g., computer printouts, formulas used), specifying variables and data; and
 - (3) the results of appropriate statistical tests;
 - e. forecast confidence levels or ranges of accuracy for annual peak demand and annual gas consumption, as well as a description of their derivation;
 - f. a brief analysis of the methodology used, including:
 - (1) its strength and weaknesses;
 - (2) its suitability to the system;
 - (3) cost considerations;
 - (4) data requirements;
 - (5) past accuracy; and
 - (6) other factors considered significant by the applicant; and
 - g. an explanation of any discrepancies which appear between the forecasts submitted to the Agency under these rules and those submitted under Minn. Regs. EA 301 et seq., or in the applicant's previous certificate of need proceedings.
2. Data base. The applicant shall discuss the data base used in arriving at the forecast presented in its application, 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 each was obtained, (e.g., monthly observations, billing data, consumer survey) or a citation to the source (e.g., population projection from the state demographer's office);
 - b. a clear identification of any adjustments made to raw data to adapt them for use in forecasts, including:
 - (1) the nature of the adjustment;
 - (2) the reason for the adjustment; and
 - (3) the magnitude of the adjustment.
- The applicant shall provide to the director or the hearing examiner on demand copies of all data sets used in making the forecasts, including both raw and adjusted data, input and output data.
3. Assumptions and special information
- a. Discussion. The applicant shall discuss each essential assumption made in preparing the forecast, including:
 - (1) the need for the assumption;
 - (2) the nature of the assumption; and
 - (3) the sensitivity of forecast results to variations in the assumption.
 - b. Subject of assumption. The applicant shall discuss the assumptions made regarding:
 - (1) the availability of alternate sources of energy;
 - (2) the expected conversion from other fuels to gas or vice versa;
 - (3) future prices of gas for customers in the applicant's system and the effect that such price changes will likely have on the applicant's system demand;
 - (4) the assumptions made in arriving at any

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 735

data requested in rule EA 735 B which are not available historically or not generated by the applicant in preparing its own internal forecast;

- (5) the effect of existing energy conservation programs under federal or state legislation on long-term gas demand; and
- (6) any other factor considered by the applicant in preparing the forecast.

EA 736 Load and capacity information. In a joint application, separate responses are required from each person for information required by rule EA 736.

The applicant shall describe the ability of its existing facilities to meet the demand forecast in EA 735 and the extent to which the proposed facility will increase this capability. In preparing this description, the applicant shall provide, for the last calendar year, the current calendar year, the first full calendar year before the proposed facility is expected to be in operation, and the first full calendar year of operation of the proposed facility:

- A. an annual load duration curve consisting of a single graph for each year and accompanying tables indicating the total monthly consumption of gas in the following classifications:
 1. residential firm;
 2. commercial and industrial firm;
 3. small volume interruptible;
 4. large volume interruptible;
 5. electric generation;
 6. gas to storage; and
 7. other dispositions and losses; and
- B. for a utility, an annual supply curve consisting of a single graph for each year and showing the contributions from:
 1. pipeline contract demand;
 2. gas from storage;
 3. synthetic gas other than propane;
 4. liquefied natural gas;

5. propane peak shaving gas; and

6. the proposed facility; and

C. for a pipeline company, an annual supply curve showing the contributions from:

1. own production;
2. committed purchases from other gas producers;
3. gas from storage;
4. emergency purchases (historical year only);

and

5. other sources; and

D. the applicant's design day availability and the mean temperature assumed for the design day.

EA 737 Alternatives. The applicant shall provide information pertaining to possible alternatives in the following format:

- A. a description of the alternative, including its capacity and economic life; and
- B. a cost/benefit analysis, comparing investment costs, annual operating and maintenance costs, environmental effects, safety and reliability aspects, and energy requirements of each alternative with those of the proposed facility.

EA 741 Historical facility data. Each applicant (each person in a joint application) shall provide the following information:

- A. a system map showing the route and mileage of its large gas pipelines, and the locations of pumping or compressor stations, storage facilities, interconnections, and fuel conversion or processing plants;
- B. the design capacity of each line in the system to transport natural or synthetic gas into Minnesota;
- C. the design capacity of the system to transport natural or synthetic gas out of the state;
- D. identification of the specific facilities listed in response to rule EA 741 A. normally used to store or transport the type of gas which would be stored or transported in the proposed facility;
- E. the end-of-year total capacity of the facilities listed in

PROPOSED RULES

response to rule EA 741 D. for each of the ten (10) years preceding the application;

- F. average percentage utilization during the peak season and during the off-peak season of the facilities listed in response to rule EA 741 D;
- G. maximum sendout at the beginning and end of the withdrawal cycle from the storage facilities listed in response to rule EA 741 D;
- H. if any of the storage facilities listed in response to rule EA 741 D. is a large underground gas storage facility, the method of containment of the stored natural or synthetic gas and the method of disposal of the water produced in or seeping into the facility;
- I. if any of the storage facilities listed in response to rule EA 741 D. is part of a liquefaction facility, a brief description of the system used to liquefy gas; and
- J. if any of the storage facilities listed in response to rule EA 741 D. is part of a fuel conversion or processing plant, a brief description of the plant.

EA 742

- a. tanks, pipes and valves with the maximum allowable operating pressure for each;
 - b. compressors or pumps, including representative efficiency, diameter, maximum allowable operating pressure and maximum capacity; and
 - c. prime movers, including representative type, efficiency, maximum power capacity in horsepower, allowable maximum and minimum operating temperatures, and daily energy requirement at the initial and ultimate design capacities;
7. its economic life; and
8. the estimated tariffs (proposed pipelines only), and capital, maintenance and operating costs of the facility during its economic life.
- B. Construction. The applicant shall provide the following information pertaining to the construction of the proposed facility:

EA 742 Description of proposed facility.

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

- 1. the purpose and planned use of the facility, including its relationship to the system which requires it;
- 2. its initial and ultimate design capacity or throughput in the appropriate unit of measure;
- 3. if known, the complete name and address of the engineer and firm which would be responsible for the design;
- 4. the boiling point at 14.73 psia, critical point in degrees Fahrenheit and psia, and Btu content per Mcf or equivalent Mcf of the type(s) of gas which would be stored or transported;
- 5. the temperature and maximum operating pressure at which the natural or synthetic gas would be stored or transported;
- 6. preliminary engineering drawings, blueprints, and specifications for:

- 1. if known, the complete name and address of the company which would be responsible for the construction; and
- 2. the proposed date for commencement of construction and the proposed in-service date.

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

- 1. the expected average percentage of use of the proposed facility during the first five years of operation;
- 2. the expected maximum operating pressure and delivery rates of the proposed facility at peak demand;
- 3. the expected power requirement of the prime movers at peak demand (in kilowatts, Mcf per hour, or gallons per hour); and
- 4. for a proposed storage facility, the maximum delivery rate of the most likely modes of transportation that would be used to transport gas to the site.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 743

EA 743 Environmental data. If an Environmental Assessment Worksheet (EAW) on the proposed facility is sufficient to meet the requirements of the Minnesota Environmental Quality Board, a copy of the EAW may be submitted in lieu of specific answers to the requirements below. If permits for construction of said facility are required by other state agencies, a copy of each permit application, or the information equivalent, shall also be submitted.

If an environmental impact statement (EIS) is required for the proposed facility, a draft EIS may be submitted with the certificate of need application in lieu of specific answers to the requirements of this section.

In all other cases the applicant for a certificate of need for a large energy facility subject to these rules shall provide environmental information for the proposed facility and for each alternative facility discussed in response to rule EA 737. Such information shall be provided in the format given below, to the extent that such data is applicable and reasonably available.

A. Location.

1. On a suitable map, identify the site(s) or route(s) which in the opinion of the applicant could serve as the site or route for the proposed facility. For a proposed storage facility, indicate the county, township, range and section(s) of each identified site. For a proposed pipeline, indicate the cities or population centers through which the route passes. Indicate on the map trunk highways, railroads and airports within one mile of the site or along the route.
2. For each site or route identified in response to rule EA 743 A.1, list:
 - a. the general nature of the terrain;
 - b. the general soil types and approximate percentage of each;
 - c. the estimated maximum and minimum depths of groundwater;
 - d. for a proposed pipeline, the number of miles of the route which passes through, respectively, federal lands, state lands, county or tax-forfeit lands, incorporated areas, and private land outside incorporated areas;
 - e. the types of vegetation (including forest, brush, marsh, pasture, and cropland) on the

site or along the route, and the approximate percentage of each;

- f. the predominant types of land use (such as residential, forest, agricultural, commercial, and industrial) within one mile of the site or along the route and the approximate percentage of each;
- g. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails and national waterfowl production areas within one mile of the site or along the route, as mapped on the Inventory of Significant Resources by the State Planning Agency;
- h. state critical areas, state wildlife management areas, state scientific and natural areas, state wild, scenic and recreational rivers, state parks, state scenic wayside parks, state recreational areas, state forests, state trails, state canoe and boating rivers, state zoo, designated trout streams, and designated trout lakes within one mile of the site or along the route, as mapped on the Inventory of Significant Resources by the State Planning Agency; and
- i. national historic sites and landmarks, national monuments, National Register Historic Districts, registered state historic or archeological sites, state historical districts, sites listed on the National Register of Historic Places, and any other cultural resources within one mile of the site or along the route, as indicated by the Minnesota Historical Society.

B. Wastewater, projected air emissions and noise sources.

1. Discharges to water.
 - a. Point discharges. Indicate the location, route and final receiving waters for any discharge points. For each discharge point indicate the source, the amount and the nature of the discharge.
 - b. Area runoff. Indicate the area from which runoff may occur, potential sources of contamination in the area, and receiving waters for any runoff.
2. Point sources of airborne emissions. Estimate the

PROPOSED RULES

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

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

C. Pollution control and safeguards equipment.

1. Air pollution controls. Indicate types of emission control devices and measures that would be used.
2. Water pollution controls. Indicate types of water pollution control equipment and runoff control measures that would be used to comply with applicable state and federal regulations and statutes.
3. Explosion and fire safeguards. Describe measures that would be taken to prevent or minimize the impact of an explosion or fire.
4. Other safeguards and controls. Indicate any other equipment or measures, including erosion control, that would be used to reduce impact of the facility. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

D. Induced developments.

1. Vehicular traffic. Estimate the amounts and types of vehicular traffic which would be generated by the facility due to construction activity and, later, operational needs.
2. Water use. Indicate the amount of water which would be appropriated and the amount which would be consumed by the facility, the expected source of the water, and how the water would be used.
3. Agriculture. Estimate the amount of land, including pasture land, that would be removed from agricultural use if the facility were constructed. In-

EA 791

dicating known circumstances with regard to the facility that could lead to reduced productivity of agricultural land on or near the site or along the route. Estimate the amount of excavation, back-filling, grading, soil compaction and soil mixture and ditching to be done in farm fields.

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

EA 781 Other data filed with the application. In addition to the information required by the director, the applicant may desire to file other data. If, in the opinion of the applicant, additional relevant data should be submitted for consideration, such data should be filed in a separate section of the application.

EA 791 Certificate of need modifications.

- A. Issuance of a certificate may be made contingent upon modifications required by the director.
- B. The following changes in a facility previously certified by the director shall not require recertification:
 1. capacity additions or subtractions of less than ten (10) percent of the capacity approved by the director;
 2. pipeline length additions or subtractions of less than ten (10) percent of the length approved by the director; and
 3. changes of less than two years in the in-service date.
- C. If an applicant determines that a change greater or other than those specified in rule 791 B is necessary or desirable, it shall inform the director of the desired change, accompanied by a written statement detailing the reasons for the proposed change. The director shall evaluate these reasons and within 45 days of receipt of said statement notify the applicant whether the proposed change is acceptable without recertification.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Energy Agency

Proposed Amendment of Rules Governing Contents of Applications for Certificates of Need and Criteria for Assessment of Need for Large LPG Storage Facilities, Large Oil Storage Facilities, Large Petroleum Pipelines and Oil Refineries, EA 1001-1091.

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held in Room D of the Veterans Service Building, Saint Paul, Minnesota 55155 on March 27, 1978, commencing at 9:30 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 William Seltzer, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone 612/296-8105, either before the hearing or for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

All persons have the right to be notified of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. All persons also have the right to be informed of the date on which the hearing record has been submitted to the Attorney General by the Agency. If you desire to be notified, you may so indicate at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

The proposed rule amendments, if adopted, would reflect amendments to Minnesota Statutes chapter 116H passed in 1977 with respect to petroleum storage facilities, make the rules internally consistent, effect better coordination between the subject set of rules and proposed rules governing large gas facilities so that petroleum suppliers proposing to build LPG storage or pipeline facilities would be covered by the former instead of the latter set of rules, and extend the certificate of need requirement to significant expansions in the capacity of existing large petroleum pipelines.

Copies of the proposed amended rules are now available and one free copy may be obtained by writing to the Minnesota Energy Agency, 720 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101. Copies will also be available at the door on the date of the hearing. The Agency's authority to promulgate the proposed amended rules is contained in Minn. Stat. § 116H.08(a) and 116H.13 (1976).

Notice is hereby given that 25 days prior to the hearing a statement of need and reasonableness will be available for review at the Agency and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the Agency at the hearing justifying both the need for and the reasonableness of the proposed amended rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five 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 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 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, Saint Paul, Minnesota 55155, telephone 612/296-5615.

Dated: February 3, 1978

John P. Millhone
Director

Rules as Proposed

Chapter Ten: EA 1001-1091

EA 1001 Purpose of rules. The purpose of these rules is to specify the contents of applications for certificates of need and to specify criteria for assessment of need for large oil or LPG storage facilities, large oil petroleum pipelines and oil refineries for petroleum suppliers pursuant to Minn. Stat. § 116H.13.

EA 1002 Applicability of rules.

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

PROPOSED RULES

EA 1003

1. a new large oil or LPG storage facility;
 2. a new large oil petroleum pipeline facility;
 3. a new oil refinery; and
 4. any project which, within a period of two years, would expand an existing large petroleum pipeline in excess of either 20% of its rated capacity or 10,000 barrels per day, whichever is greater; and
 5. any project which, within a period of two years, would expand any expansion of an existing oil refinery in excess of either 25% 20% of its rated throughput or 10,000 barrels per day, whichever is greater.
- B. Exception. Any person who as of the effective date of these rules has begun or has completed construction of a large energy facility shall not be subject to these rules for that facility.

EA 1003 Application procedures and timing.

- A. Each applicant for a certificate of need shall apply in a form and manner prescribed by the director.
- B. A minimum of seven (7) bound copies and one (1) unbound copy of the application shall be filed with the director. The director may require additional copies, not to exceed 50 copies total. All documents, forms, and schedules filed with the application must shall be typed on 8½" × 11" paper except for blueprints, engineering drawings, maps, and similar materials. ~~The date of preparation and the applicant's name shall appear on each page of the application.~~ Each application shall contain a title page and a complete table of contents which includes references to the applicable rules by the titles and numbers given in these rules. The date of preparation and the applicant's name shall appear on the title page of the application, as well as on each document filed with the application.
- C. Subsequent to the filing of an application, any changes or corrections to the application shall comply with rule EA 1003 B as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the

revision was made. The original copy of the changes or corrections shall be filed with the hearing examiner, and the remaining copies shall be submitted to the director.

- D. Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested, and the number of copies of the application filed, ~~and the rules and subdivisions thereof to which the applicant has responded.~~
- E. A hearing examiner shall be appointed assigned, and a public hearing shall be scheduled to commence no later than eighty days after the receipt of the application, in accordance with the Minnesota Energy Agency Rules of Procedure Governing Certificate of Need Program, EA 500 et seq., and the Hearing Examiner Rules of Contested Case Procedures, HE 201 et seq.
- F. A decision on an application for a certificate of need shall be made by the director no later than six months from the receipt of the application, provided that the application as filed is substantially complete. Upon an affirmative showing by the applicant that an urgent need exists for an early decision on the application, said application may be given priority consideration over other applications, except for other priority applications previously filed.
- G. The director shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct the deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of resubmission, assuming it is substantially complete.
- H. Prior to the submission of an application, a person may be exempted from any data requirement of these rules upon a written request to the director for exemption from specified rules and a showing by that person in the request that the data requirement 1) is unnecessary to determine the need for the proposed facility or 2) may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. Strike outs indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

PROPOSED RULES

EA 1003

director shall respond in writing to each such request within 15 days of receipt including reasons for his decision. The director shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.

- I. When an application for a certificate of need is denied, the director shall state the reason(s) for the denial.

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

- A. "Agency" means the Minnesota Energy Agency;
- B. "Applicant" means the person or persons submitting a certificate of need application;
- C. "Application" means a document submitted by a person or persons to the director for the purpose of obtaining a certificate of need, the contents of which are described in these rules;
- D. "Barrel" means that quantity of liquid which is equal to 42 gallons;
- E. "BTU" means British thermal unit, a common unit of energy measurement which is used in these rules for comparative purposes;
- F. "Construction" means significant physical alteration of a site to install or enlarge a large energy facility, but not including activities incident to preliminary engineering or environmental studies;
- G. "Demand" means that quantity of a petroleum product from the applicant's facilities for which there are willing and able purchasers, or the burden placed upon the applicant's interim storage facilities and production processes resulting therefrom;
- H. "Director" means the director of the Agency;
- I. "Forecast" means a prediction of future demand for some specified time period;
- J. "Forecast Years" means the sixteen-year period consisting of the year in which an application is filed plus the next fifteen years;
- ~~K. "Inch Mile" means a descriptive unit used as a measure of the size of a pipeline, the quantity of which is determined by multiplying the diameter of the pipe in inches by the length of the pipe in miles;~~
- ~~L. K. "Joint Application" means an application submitted to the director by two or more persons;~~

~~L. "Large LPG Storage Facility" means a facility on a single site designed for or capable of storing more than 100,000 gallons of liquefied petroleum gas (LPG) unless the facility would be at an existing LPG storage site and would constitute an increase of less than 20 percent in the LPG storage capacity at that site;~~

~~N. M. "Large Oil Storage Facility" means a facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or their derivatives thereof unless the facility would be at an existing oil storage site and would constitute an increase of less than 20 percent in the oil storage capacity at that site;~~

~~M. N. "Large Oil Petroleum Pipeline" means a pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum or petroleum fuels or oil or their derivatives thereof, or a pipeline for transporting synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;~~

~~O. "Liquefied Petroleum Gas" means synthetic gas, consisting mostly of hydrocarbons, stored or transported as a liquid;~~

~~P. "Mbpd-mile" means a descriptive unit used as a measure of the size of a pipeline, the quantity of which is determined by multiplying 1) either the length in miles of the new (section of) pipeline in Minnesota, or 50 if the capacity expansion is achieved by adding power, and 2) the new or additional design capacity in thousand barrels per day (Mbpd), at a viscosity of 100 SSU/60°F and specific gravity of .88/60°F. If the pipeline capacity would be expanded by a combination of looping and adding power, the Mbpd-mile corresponding to each method of expansion shall be calculated and the sum of the two shall be the size of the pipeline;~~

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

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

~~Q. S. "Peak Demand" means the highest demand for a~~

PROPOSED RULES

petroleum product occurring within a designated period of time;

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

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

F. V. "Substantially Complete Application" means an application which is deemed by the director to be in substantial compliance with the informational requirements of these rules; and

W. "Synthetic Gas" means flammable gas created from gaseous, liquid, or solid hydrocarbons or other organic or inorganic matter. Synthetic gas shall include ethane, propane, butane, or their mixtures, whether extracted from gas streams lifted from oil and gas wells, or produced at refineries or fuel conversion plants. It shall also include hydrogen or methane produced at conversion plants.

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

- A. \$2,000 plus \$10 per one hundred thousand gallons of design storage capacity for a large oil or LPG storage facility;
- B. ~~\$10,000~~ \$5,000 plus ~~\$4~~ \$1 for each ~~inch mile of the Minnesota portion of~~ Mbpd-mile for a large oil petroleum pipeline;
- C. \$10,000 plus \$200 per thousand barrels of design daily throughput for a new oil refinery; or
- D. \$5,000 plus \$100 per thousand barrels of additional daily throughput for an expansion of an existing oil refinery;

plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility. In no event shall the total fee required

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

EA 1011

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

EA 1011 Criteria for assessment of need.

- A. Purpose of the criteria. The criteria for assessment of need will be used by the director in the determination of the need for a proposed large energy facility pursuant to Minn. Stat. §§ 116H.01 through 116H.15. The factors listed under each of the criteria set forth herein at rule EA 1011 C shall be evaluated to the extent that the director deems them applicable and pertinent to each facility proposed pursuant to these rules. The director shall make a specific written finding with respect to each of the criteria.
- B. Consideration of alternatives. The director shall consider only those alternatives proposed before the close of the public hearing and for which there exists substantial evidence on the record with respect to each of the criteria listed in rule EA 1011 C.
- ~~B.~~ C. Criteria. A certificate of need shall be granted to the applicant if it is determined that:
 1. the probable result of denial would adversely affect the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states; ~~In making this determination, the director shall~~ considering:
 - a. the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;
 - b. the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;

PROPOSED RULES

EA 1011

- c. the effects of the applicant's promotional practices which may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;
 - d. the ability of current facilities and planned facilities not requiring certificates of need, and to which the applicant has access, to meet the future demand; and
 - e. the effect of the proposed facility, or a suitable modification of it, in making more efficient use of resources;
2. a more reasonable and prudent alternative to the proposed facility has not been demonstrated. ~~In making this determination, the following factors shall be by a preponderance of the evidence on the record by parties or persons other than the applicant considered:~~
 - a. the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;
 - b. the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;
 - c. the ~~impact~~ effect of the proposed facility upon the natural and socioeconomic environments compared to the ~~impacts~~ effects of reasonable alternatives; and
 - d. the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;
 3. the consequences to society of granting the certificate of need ~~outweigh~~ are more favorable than the consequences of denying the certificate, considering:
 - a. the relationship of the proposed facility, or a suitable modification of it, to overall state energy needs;
 - b. the ~~impact~~ effect of the proposed facility, or a suitable modification of it, upon the natural and socioeconomic environments compared to the ~~impact~~ effect of not building the facility;
 - c. the effects of the proposed facility, or a suitable

ble modification of it, in inducing future development; and

- d. socially beneficial uses of the output of the proposed facility, or a suitable modification of it, including its uses to protect or enhance environmental quality;

and that

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

EA 1021 Contents of application.

- A. Each application for a certificate of need shall provide all information required by rules EA 1031-1034, plus additional information for specific types of facilities as indicated in rule EA 1021 D.
- B. Joint application. If the proposed application for a certificate of need is jointly submitted by two or more persons, then, ~~when specified in these rules,~~ each such person, when specified in these rules, shall submit the information required by these rules.
- C. Multi-party ownership and use. Each application for a certificate of need for a facility which is owned and used by two or more persons shall be considered as a joint application for purposes of these rules.
- D. Additional information shall be provided for specific types of facilities as indicated below.
 1. Large Oil or LPG Storage Facility. Refer to rule EA 1040.
 2. Large ~~Oil~~ Petroleum Pipeline Facility. Refer to rule EA 1050.
 3. Oil Refinery. Refer to rule EA 1060.

EA 1031 General information.

- A. Each application shall contain a general information section which shall include the following information:
 1. the applicant's complete name and address, telephone number, and standard industrial classification code(s);
 2. the complete name, title, address and telephone

PROPOSED RULES

number of the official or agent to be contacted concerning the applicant's filing;

3. a brief description of the nature of the applicant's business and of the products which are manufactured, produced, or processed, or of the services rendered;
 4. a brief description of the proposed facility, its complete address (if known) or general location, a brief description of its planned use, its estimated cost, its planned in-service date, and its design capacity in gallons (oil or LPG storage), its maximum design throughput in barrels per day and its size in ~~inch~~ miles Mbpd-miles (oil petroleum pipeline), or its design throughput in barrels per day (oil refinery);
 5. the total fee for the application as prescribed by rule EA 1005, and the amount of the fee submitted with the application; and
 6. the signature(s) and title(s) of the applicant's officer(s) or executive(s) authorized to sign the application and the signature of the preparer of the application if prepared by an outside agent.
- B. Each application shall contain a schedule in the general information section which shall list all known federal, state, and local agencies or authorities with which the applicant must file for the proposed facility. The following information shall be included on the schedule:
1. the names of all known federal, state, or local agencies or authorities with which the applicant must file;
 2. the title of each required permit or certificate issued by the authorities named in response to rule EA 1031 B.1. and needed by the applicant;
 3. for each permit or certificate listed in response to rule EA 1031 B.2, the date an application was filed or the projected date of future application;
 4. for each permit or certificate listed in response to rule EA 1031 B.2, the actual date a decision was made on the application, or the anticipated decision date; and
 5. for each permit or certificate listed in response to

EA 1040

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

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

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

- A. socially beneficial uses of the output of the facility, including its uses to protect or enhance environmental quality;
- B. promotional activities which may have given rise to the demand for the facility; and
- C. the effects of the facility in inducing future development.

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

- A. Does the applicant have an energy committee or an individual responsible for determination or coordination of its energy needs?
- B. Has the applicant defined energy or conservation goals or objectives?
- C. What major energy efficiency or conservation programs has the applicant considered?
- D. What major accomplishments in energy efficiency or conservation have been made by the applicant within the past five years?
- E. What major energy efficiency or conservation programs will be implemented within the next five years?

EA 1040 Large oil or LPG storage facility section. In addition to the data required by rules EA 1031-1034, each

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 1040

applicant for a large oil or LPG storage facility shall provide the information required by rules EA 1041-1045, and, optionally, EA 1081.

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

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

- A. the end-of-year total storage capacity at the site where the proposed facility will be located for each of the five years preceding the year of application;
- B. identification of the specific facilities in rule EA 1041 A which are normally used to store the type of petroleum product(s) which would be stored in the proposed facility; and
- C. for the oil storage site ~~or refinery~~ where the proposed facility would be located, a list of the annual throughput in gallons for the five most recent calendar years for the type of petroleum product(s) which would be stored in the proposed facility.

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

- A. What are the applicant's projected storage capacity requirements, during the next five years, for the type of petroleum product(s) which would be stored in the proposed facility?
- B. What impact, if any, would the proposed facility have upon the applicant's ability to manage its inventory and supply its customers during the next five years, compared to its current situation?
- C. What impact, if any, would the proposed facility have upon the applicant's annual throughput or its ability to maintain current throughput levels during the next five years?
- D. What specific assumptions are made by the applicant for the next five years concerning supply of the type(s) of petroleum products which would be stored in the proposed facility?

EA 1043 Description of proposed facility. Each applica-

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

- A. the purpose and planned use of the proposed oil storage facility, including its relationship to the facility which requires it;
- B. a description of the proposed oil storage facility, including:
 1. its design capacity in gallons;
 2. the type(s) of petroleum products to be stored;
 3. the dimensions;
 4. preliminary engineering drawings, blueprints, and specifications (if available); and
 5. the estimated cost of the proposed oil storage facility and its expected economic life;
- C. the complete name and address of the engineer, if known, or (if designed by an outside agent) the firm, which designed the proposed oil storage facility;
- D. the complete name and address, if known, of the contractor or firm which would construct the oil storage facility; and
- E. the approximate planned date for starting construction and the approximate planned in-service date.

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

- A. Are there any known restrictions or limitations on the availability of alternatives to the applicant's proposed oil storage facility?
- B. Specifically, what other alternatives were examined? For each alternative examined provide the following information:
 1. a description of the alternative;
 2. when it was studied;
 3. who performed the study;
 4. why it was rejected; and
 5. whether economics were considered and to what extent.

PROPOSED RULES

EA 1045 Environmental data. The director may, upon a showing by the applicant, exempt the applicant from any or all of the requirements of this section. Such a showing shall conform to rule EA 1003 H with respect to timing and content.

When a certificate of need application is submitted for a large oil storage facility on an existing oil storage site, which site already has storage capacity of at least one million gallons, or for a large LPG storage facility on an existing LPG storage site, which site already has storage capacity of at least 100,000 gallons, a copy of an Environmental Assessment Worksheet (EAW) may be submitted in lieu of specific answers to the requirements below. If permits for construction of said facility are required by other state agencies, a copy of each permit application, or the informational equivalent, shall also be submitted.

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

A. Location.

1. If the specific location for the proposed (or alternative) facility is known, provide the county, township, range, and section(s) of that site. If a specific location has not been chosen, provide the county, township, range and section(s) for each parcel of land which in the opinion of the applicant could serve as the site for the facility.
2. For each site identified in response to rule EA 1045 A 1 list:
 - a. the nature of the terrain at the site;
 - b. the general soil type at the site;
 - c. the depth of groundwater at the site;
 - d. the types of vegetation (including forest, brush, marsh, pasture, and cropland) on the site;
 - e. the predominant types of land use (such as residential, forest, agricultural, commercial, and industrial) within one mile of the site;

EA 1045

- f. trunk highways, railroads and airports within one mile of the site;
- ~~f.~~ g. lakes, streams, wetlands or drainage ditches within one mile of the site and any other lakes, streams, wetlands, drainage ditches, well or storm drains into which liquid contaminants could flow;
- ~~g.~~ h. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails and national waterfowl production areas within one mile of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency;
- ~~h.~~ i. state critical areas, state wildlife management areas, state scientific and natural areas, state wild, scenic and recreational rivers, state parks, state scenic wayside parks, state recreational areas, state forests, state trails, state canoe and boating rivers, state zoo, designated trout streams, and designated trout lakes within one mile of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency; and
- ~~h.~~ j. national historic sites and landmarks, national monuments, National Register Historic Districts, registered state historic or archeological sites, state historical districts, sites listed on the National Register of Historic Places, and any other Cultural Resources within one mile of the site, as indicated by the Minnesota Historical Society.

B. Wastewater, projected air emissions and noise sources.

1. Discharges to water.
 - a. Point discharges. Indicate the location, route and final receiving waters for any discharge points. For each discharge point indicate the source, the amount and the nature of the discharge. (Provide quantitative data if possible.)
 - b. Area runoff. Indicate the area from which runoff may occur, potential sources of con-

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 1045

tamination in the area, and receiving waters for any runoff.

2. Point sources of airborne emissions. Estimate the quantity of gaseous and particulate emissions that would occur during full operation from each emission source and indicate the location and nature of the release point.
3. Noise. Indicate the maximum noise levels (in decibels, A scale) expected at the property boundary. Also, indicate the expected maximum increase over ambient noise levels.

C. Pollution control and safeguards equipment.

1. Air pollution controls. Indicate types of emission control devices and measures that would be used.
2. Water pollution controls. Indicate types of water pollution control equipment and runoff control measures that would be used to comply with applicable state and federal regulations and statutes.
3. Oil spill and explosion safeguards. Describe measures that would be taken to prevent oil spills and explosions or to minimize the environmental impact of a spill or an explosion. ~~on surface waters and groundwaters of the state.~~
4. Other safeguards and controls. Indicate any other equipment or measures, including erosion control, that would be used to reduce impact of the facility. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

D. Induced developments.

1. Vehicular traffic. Estimate the amounts and types of vehicular traffic which would be generated by the facility due to construction activity and, later, operational needs.
2. Water use. Indicate the amount of water which would be appropriated and the amount which would be consumed by the facility, the expected source of the water, and how the water would be used.
3. Agriculture. Estimate the amount of agricultural land, including pasture land, that would be removed from agricultural use if the facility were constructed. Indicate known circumstances with

regard to the facility that could lead to reduced productivity of surrounding agricultural land.

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

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

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

EA 1051 Historical energy data.

- A. For the geographical area to be served by the proposed facility, the applicant shall provide the following:
 1. a list of the petroleum products by major categories (such as crude oil, gasoline, fuel oil, and so forth) transported or distributed by the applicant in that geographical area during the five most recent calendar years;
 2. for each category listed in response to rule EA 1051 A.1 and for each of the five most recent calendar years, a list of the annual and peak day quantities transported or distributed in the appropriate units of measure;
 3. a list of sources of supply of petroleum products for transportation or distribution during the five most recent calendar years, designated as either in-state or as out-of-state, the dates and durations of the contracts with the 25 largest suppliers or shippers, the categories of petroleum products and quantities involved and, for sources of crude oil, the geographical areas of origin of the crude oil; and
 4. for each of the five most recent calendar years and for each category of petroleum product, the percentage of in-state delivery of the annual amounts given in response to rule EA 1051 A.2.
- B. List each large oil or LPG storage facility location, gas plant, large pipeline facility, and oil refinery associated with the transportation or distribution of the categories of petroleum products named in response to rule EA 1051 A. 1. Provide maps which represent the locations and interconnections of these facilities.

PROPOSED RULES

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

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

- A. a list of the categories of petroleum products the applicant expects to transport or distribute in that geographical area during the first six forecast years, the eleventh forecast year (the tenth year after the year of the application), and the sixteenth forecast year;
- B. for each category of petroleum product listed in response to rule EA 1052 A. and for each of the first six forecast years, the eleventh forecast year, and the sixteenth forecast year, a list of the annual and peak day quantities expected, using the appropriate units of measure;
- C. a discussion of the methods, assumptions and factors employed for purposes of estimation in response to items A. and B. of rule EA 1052;
- D. a discussion of the effect on the forecast of possible changes in the key assumptions and key factors requested in rule EA 1052 C; and
- E. considering the forecast, a discussion of other facilities, if any, planned by the applicant to supply the forecast demand.

EA 1053 Description of proposed facility.

- A. Design. The applicant shall provide the following information pertaining to the design of the proposed large ~~oil~~ petroleum pipeline:
1. if known, the complete name and address of the engineer and firm to be responsible for the design;
 2. the estimated tariffs, capital cost, annual operating and maintenance costs and economic life;
 3. a list of the categories of petroleum products the large ~~oil~~ pipeline is intended to transport;
 4. its initial and ultimate design capacities in barrels per day and its ~~design size in inch~~ miles diameter,

EA 1053

length in Minnesota, and maximum design pressure; and

5. engineering data, including the following:
- a. a pipeline system map showing the route, mileage, location of pumping stations, main-line valves, petroleum storage facilities, and interconnections;
 - b. specifications for pipe (diameter, length, wall thickness, grade) and valves (diameter and American National Standards Institute rating) with the maximum allowable operating pressure for each;
 - c. for the pumps, representative specifications including diameter, allowable maximum operating pressures and maximum capacities; and
 - d. for the prime movers, representative specifications, including type, allowable maximum power capacity in horsepower, efficiency, allowable maximum and minimum operating temperatures, and energy requirement in BTU per barrel per mile of petroleum product pumped.
- B. Construction. The applicant shall provide the following information pertaining to the construction of the proposed facility:
1. if known, the complete name and address of the company to be responsible for the construction;
 2. the proposed date for commencement of construction and the proposed in-service date; and
 3. an estimate of the in-service date if the construction were to be on a fully-expedited basis.
- C. Operation. The applicant shall provide the following information pertaining to the operation of the proposed facility:
1. the expected average percentage of use of the full design capacity of the proposed facility during each of the first five years of operation;

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 1053

2. the expected maximum operating pressure and capacity of the proposed facility at peak demand;
3. the expected power requirement from the prime movers at each station at peak demand (in kilowatts, thousands of cubic feet per hour, or gallons per hour);
4. a list of expected sources of supply or shippers of petroleum products for transportation during the first five calendar years of operation, designated either as in-state or as out-of-state, the expected dates and durations of the contracts with the 25 largest suppliers or shippers, the categories of petroleum products and quantities expected to be involved and, for sources of crude oil, the expected geographical areas of origin of the crude oil; and
5. a list of expected recipients of transported petroleum products during the first five calendar years of operation, designated either as in-state or as out-of-state, the expected dates and durations of the contracts with the 25 largest recipients, and the categories of petroleum products and quantities expected to be involved.

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

- A. a description of the alternative, including:
 1. a discussion of the design and the geographical area affected;
 2. an estimate of the in-service date;
 3. a discussion of the method of operation;
 4. its cost;
 5. its economic life; and
 6. its reliability; and
- B. a summary of the conclusions reached with respect to the alternative and the reasons for its rejection.

EA 1055 Environmental data. Each applicant shall provide environmental data for the proposed facility and for each alternative discussed in response to rule EA 1054, to the extent that such data is reasonably available. Environmental data for each pipeline considered shall conform to the format given in subdivisions A. through D. of rule EA

1055. Information for each of the other types of alternatives considered shall include 1) a list of the natural and cultural resources, as given in items g. through ~~j.~~ k. of rule EA 1055 A.2, that would be directly impacted and 2) a discussion of those applicable areas of environmental concern that are detailed in subdivisions B. through D. of rule EA 1055.

A. Location.

1. If a particular route has been selected for the pipeline, indicate that route on an appropriate map. If no particular route has been selected, indicate on an appropriate map each possible route that has been given serious consideration.
2. For each route identified in response to rule EA 1055 A.1, list:
 - a. the names of cities or population centers through which the route passes;
 - b. the number of miles of the route which passes through, respectively, federal lands, state lands, county or tax-forfeit lands, incorporated areas, and private land outside incorporated areas;
 - c. the general soil types along the route and the approximate percentage of each;
 - d. the general terrain along the route;
 - e. the types of vegetation along the route (including forest, brush, marsh, pasture, and cropland) and the approximate percentage of each;
 - f. the predominant types of land use along the route (such as residential, forest, agricultural, commercial, and industrial) and the approximate percentages of each;
 - g. the names of major lakes or streams and the number of wetlands of five acres or more through which the route passes, as well as any others into which liquid contaminant from the pipeline could flow;
 - h. trunk highways, railroads and airports within one mile of the route;
 - ~~h.~~ i. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails, and national waterfowl production areas through which the route passes, as mapped on the Inventory of

PROPOSED RULES

EA 1055

Significant Resources by the State Planning Agency;

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

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

B. Wastewater, projected air emissions and noise sources.

1. Discharges to water.

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

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

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

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

C. Pollution control and safeguards equipment.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

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

D. Induced developments.

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

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

3. Vehicular traffic. Estimate the amounts and types of vehicular traffic which would be generated by the facility due to construction activity and later, operational needs.

~~3.~~ 4. Agriculture. Estimate the number of farms and the number of acres of cropland and pasture land that would be affected by construction of the pipeline. Indicate known circumstances with regard to the pipeline that would tend to reduce agricultural productivity along the route. Estimate the amount of excavation, back-filling, grading, soil compaction and soil mixture, and ditching to be done in farm fields. Estimate the number of drainage ditches to be impacted by the pipeline.

PROPOSED RULES

EA 1055

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

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

In a joint application, separate responses are required from each person for information required by rules EA 1061-1062 and EA 1064.

EA 1061 Historical energy data.

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

1. a list of the petroleum products by major categories (such as crude oil, gasoline, fuel oil, and so forth) associated with the refining process, or, if not associated with the refining process, distributed by the applicant in that geographical area during the five most recent calendar years;
2. for each category listed in response to rule EA 1061 A 1 and for each of the five most recent calendar years, a list of the annual quantities refined or distributed in the appropriate unit of measure; and
3. for each category listed in response to rule EA 1061 A.1 and for each of the five most recent calendar years, the percentage delivered within Minnesota.

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

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

EA 1062 Forecast data. Each applicant for an oil refinery facility shall provide forecast data in the format given below unless such data has been previously submitted to the

Agency pursuant to Minn. Reg. EA 401 et seq., in which case a copy of such submission may be incorporated into the application to satisfy the requirements of this rule. For the geographical area to be served by the proposed facility, the applicant shall provide the following:

- A. a list of the categories of petroleum products the applicant expects to refine or distribute in that geographical area during the first six forecast years, the eleventh forecast year (the tenth year after the year of the application), and the sixteenth forecast year;
- B. for each category listed in response to rule EA 1062 A. and for each of the first six forecast years, the eleventh forecast year, and the sixteenth forecast year, a list of the annual quantities expected, using the appropriate units of measure;
- C. a discussion of the methods, assumptions and factors employed for purposes of estimation in response to items A. and B. of rule EA 1062;
- D. a discussion of the effect on the forecast of possible changes in the key assumptions and key factors requested in rule EA 1062 C; and
- E. considering the forecast, a discussion of other facilities, if any, planned by the applicant to supply the forecast demand.

EA 1063 Description of proposed facility.

- A. Design. The applicant shall provide the following information pertaining to the design of the proposed oil refinery or refinery expansion:
 1. if known, the complete name and address of the engineer and firm to be responsible for the design;
 2. the estimated cost and economic life;
 3. a list of the crude oils (or equivalent) the oil refinery is intended to process, identifying each crude oil by general type, and a list of each refined petroleum end product intended;
 4. for each petroleum product listed in response to rule EA 1061 A. 3, the design capacity in barrels per day;
 5. a simplified flow diagram of the refinery showing major products and process components; and
 6. a map showing the likely location(s) for the proposed facility and its interconnections with major pipeline facilities.

PROPOSED RULES

EA 1065

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

1. if known, the complete name and address of the company to be responsible for the construction;
2. the proposed date for commencement of construction and the proposed in-service date; and
3. an estimate of the in-service date if the construction were to be on a fully-expedited basis.

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

1. the expected average percentage of use of the full design capacity of the proposed facility during the first five years of operation; and
2. for each of the first five calendar years of operation, the percentage of each refined petroleum end product expected to be delivered in-state.

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

A. a description of the alternative, including:

1. a discussion of the design and the geographical area affected;
2. an estimate of the in-service date;
3. a discussion of the method of operation;
4. its cost;
5. its economic life; and
6. its reliability; and

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

EA 1065 Environmental data. Each applicant shall provide environmental data for the proposed facility and for each alternative facility described in response to rule EA 1064. Information relating to construction and operation of

each of these facilities shall be provided as indicated below, to the extent that such information is reasonably available to the applicant and applicable to the particular alternative.

A. Location.

1. If the specific location for the proposed (or alternative) facility is known, provide the county, township, range and section(s) of that site. If a specific location has not been chosen, provide the county, township, range and section(s) for each parcel of land which in the opinion of the applicant could serve as the site for the facility.
2. For each site identified in response to rule EA 1065 A.1, list:
 - a. the nature of the terrain at the site;
 - b. the general soil type at the site;
 - c. the depth to groundwater at the site;
 - d. the types of vegetation (including forest, brush, marsh, pasture, and cropland) on the site;
 - e. the predominant types of land use (such as residential, forest, agricultural, commercial, and industrial) within five miles of the site;
 - f. trunk highways, railroads, and airports within one mile of the site;
 - ~~f. g.~~ lakes, streams, wetlands or drainage ditches within five miles of the site and any other lakes, streams, wetlands, drainage ditches, wells or storm drains into which liquid contaminants could flow;
 - ~~g. h.~~ national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails and national waterfowl production areas within five miles of the site, as mapped on the Inventory of Significant Resources by the State Planning Agency;
 - ~~h. i.~~ state critical areas, state wildlife management areas, state scientific and natural areas, state

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

EA 1065

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

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

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

1. Solid wastes. Indicate the types and estimated quantities of solid wastes that would be produced by or because of the facility. Also indicate the intended method of recycling or disposing of these wastes.
2. Discharges to water.
 - a. Point discharges. Indicate the location, route and final receiving waters for any discharge points. For each discharge point indicate the source, the amount and the nature of the discharge. (Provide quantitative data if possible.)
 - b. Area runoff. Indicate the area from which runoff may occur, potential sources of contamination in the area, and receiving waters for any runoff.
3. Airborne emissions.
 - a. Point sources. Estimate the quantity of gaseous and particulate emissions that would occur during full operation from each emission source and indicate the location and nature of the release point.
 - b. Area sources. Indicate locations which may be sources of fugitive dust and indicate the nature of the source (including type of material, amount, and turnover rate).
4. Noise. Indicate the maximum noise levels (in decibels, A scale) expected at the property bound-

ary. Also, indicate the expected maximum increase over ambient noise levels.

C. Pollution control and safeguards equipment.

1. Air pollution controls. Indicate types of emission control devices and dust control measures that would be used.
2. Water pollution controls. Indicate types of water pollution control equipment and runoff control measures that would be used to comply with applicable state and federal regulations and statutes.
3. Oil spill safeguards. Describe measures that would be taken to prevent oil spills or to minimize the environmental impact of a spill on surface waters and groundwaters of the state.
4. Other safeguards and controls. Indicate any other equipment or measures, including erosion control, that would be used to reduce impact of the facility. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

D. Induced developments.

1. Vehicular traffic. Estimate the amounts and types of vehicular traffic which would be generated by the facility due to construction activity and, later, operational needs.
2. Utility use. Indicate the extent to which the facility would create or add to the need for expanded utilities or public services.
3. Water use. Indicate the amount of water which would be appropriated and the amount which would be consumed by the facility, the expected source of the water, and how the water would be used.
4. Agriculture. Estimate the amount of agricultural land, including pasture land, that would be removed from agricultural use if the facility were constructed. Indicate known circumstances with regard to the facility that could lead to reduced productivity of surrounding agricultural land.
5. Relocation of human beings. Estimate the number of people that would have to relocate if the facility were constructed.

EA 1081 Other data filed with the application. In addition to the information required by the director, the appli-

PROPOSED RULES

cant may desire to file other data. If, in the opinion of the applicant, additional relevant data should be submitted for consideration, such data should be filed in a separate section of the application.

EA 1091 Certificate of need modifications.

- A. Issuance of a certificate may be made contingent upon modifications required by the director. ~~When the director denies an application, he shall state the reason(s) for the refusal and the changes, if any, which would make the facility certifiable.~~
- B. The following changes in a facility previously certified by the director shall not require recertification:
 1. ~~oil storage~~ capacity additions or subtractions of less than ten (10) percent of the capacity approved by the director;
 2. ~~oil pipeline length~~ additions or subtractions of less than ten (10) percent of the length approved by the director; and
 3. ~~oil refinery capacity~~ additions or subtractions of less than ten (10) percent of the capacity approved by the director; and
 4. 3. changes of less than two years in the in-service date.

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

Housing Finance Agency Proposed Rules Relating to the Homeownership Assistance Fund Program

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held at 500 Rice Street, St.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

MHFA 131

Paul, Minnesota, on March 29, 1978 commencing at 9:30 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 or by mail to Steve Mihalchick, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104 either before the hearing or within 5 working days after the close of the hearing, or 20 days if ordered by the hearing examiner.

The proposed rules, if adopted, would establish guidelines for the homeownership assistance fund program, as authorized by Laws of 1977, Chapter 401, Section 17.

A copy of the proposed rules is attached hereto and one additional free copy may be obtained by writing to the Minnesota Housing Finance Agency, First Floor — Hanover Building, 480 Cedar Street, St. Paul, Minnesota, 55101. Additional copies will be available at the door at the date of the hearing. A "statement of need" explaining why the Agency believes the proposed rules are necessary and a "statement of evidence" outlining the testimony which the Agency will introduce 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.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State 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 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 a year or five (5) hours per month for lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone: (612) 296-5615.

James F. Dlugosch
Executive Director

Rules as Proposed

Chapter Eleven: Homeownership Assistance Fund

MHFA 131 Eligible Recipients of homeownership assistance fund loans. To qualify for a Homeownership As-

PROPOSED RULES

MHFA 131

sistance Fund loan, a recipient must satisfy the requirements of MHFA 36 for a Limited-Unit Development Mortgage Loan. No recipient shall have held any ownership interest (either under fee title or by contract for deed) in any residential dwelling within two years prior to the date of the application for the Homeownership Assistance Fund loan.

MHFA 132 General requirements of homeownership assistance fund loans.

A. The property to be purchased with the assistance of a Homeownership Assistance Fund loan must be a newly constructed or existing single family residential dwelling located within the State of Minnesota.

B. The purchase of the dwelling must be financed primarily through a Limited-Unit Development Mortgage Loan.

C. The recipient shall obtain and furnish to the Agency all information reasonably required to demonstrate the recipient's eligibility for both a Homeownership Assistance Fund loan and a Limited-Unit Development Mortgage Loan.

D. Each Homeownership Assistance Fund loan shall be secured by a second mortgage on the property to be purchased, which property must otherwise be free and clear of any lien, charge, or encumbrance other than the Limited-Unit Development Mortgage.

E. A Homeownership Assistance Fund loan shall be deemed in default if the recipient defaults in the timely observance and performance of any condition or covenant of the Limited-Unit Development Mortgage Loan or of the Homeownership Assistance Fund loan, or sells, assigns, rents, or transfers the property, whether by deed, contract for deed, or otherwise. A transfer of the property to a surviving joint tenant, if any, by reason of the death of the recipient shall not constitute a default.

F. In the event of default, the Homeownership Assistance Fund loan shall become immediately due and payable in its entirety, at the option of the Agency, and shall be

subject to interest from the date of default until the date of payment at that rate of interest which is applicable to the Limited-Unit Development Mortgage on the property.

MHFA 133 Homeownership assistance fund-monthly assistance. The Agency may provide eligible recipients interest-free Monthly Assistance loans in the form of monthly payments of a portion of the principal and interest installment due on the Limited-Unit Development Mortgage on qualifying property. Such payments shall not exceed \$75 per month and shall decrease by \$5 per month (or \$60 per year) each year. The maximum amount of Monthly Assistance to which a recipient is originally entitled shall be a function of the recipient's Adjusted Income and shall be determined by a schedule prepared by the Agency and published in the *State Register*. In preparing the schedule, the Agency shall consider the percentage of income which may reasonably be spent on mortgage payments, the interest rate charged for Limited-Unit Development Mortgage Loans, and general housing and construction costs in the State of Minnesota. Revisions of the schedule may be made from time to time and will be effective 30 days after publication in the *State Register*.

MHFA 134 Homeownership assistance fund-downpayment assistance. The Agency may provide interest-free Downpayment Assistance loans to eligible recipients who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required downpayment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the Downpayment Assistance loan shall equal the amount by which the sum of the downpayment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling, but shall not exceed the lesser of 50 percent of the downpayment or \$1,000.

MHFA 135 Repayment. Unless earlier repayment is required as the result of default, repayment of the aggregate amount of Monthly Assistance and Downpayment Assistance loans shall commence when the Monthly Assistance payments have declined to zero. Repayment shall be at the rate of \$10 per month for the first year and shall increase by \$10 per month (or \$120 per year) each year until the total Homeownership Assistance Fund loan has been repaid.

OFFICIAL NOTICES

Department of Human Rights

Settlement Agreements and Predetermination Agreements From December 21, 1977 Through January 31, 1978

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat., ch. 363.

2. The respondent agrees to abide by the provisions of Minn. Stat., ch. 363.

Department of Human Rights, Complainant, vs. Big Bear, James L. Thiesfield, Manager, Respondent, E3388.

Charge.

Persons, an organization (hereinafter "charging parties"), filed a charge alleging that Big Bear, Inc. an employer (hereinafter "respondent"), violated the Minnesota Human Rights Act by requiring applicants to furnish information pertaining to their marital status, disability, and sex. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging parties' allegation.

Settlement.

The charging parties and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to change its application form to exclude questions about an applicant's race, creed, color, religion, national origin, sex, marital status, status with regard to public assistance, disability or age so that the application form complies with Minn. Stat., ch. 363.

2. The respondent, in the event it changes its application form, agreed to advise the Department of its intention to do so and to furnish a copy of the proposed new application to the Department.

Department of Human Rights, Complainant, vs. Bankamericard, Respondent, Credit 16.

Charge.

A person (hereinafter "charging party") filed a charge

alleging that Bankamericard (hereinafter "respondent") refused to grant credit to her because of her sex. The charging party alleged that both she and her spouse applied for credit cards, that her husband received a card and she did not, even though the financial and employment records included on both applications were nearly identical. The charging party alleged that when she applied again, she was refused because she had not been employed for one year. Her spouse received a credit card and he was employed for nine months. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to accept a new application from the charging party, expedite the application and issue the charging party a VISA card or Master Charge providing she meets current standards.

2. The respondent agreed to expunge its records to remove all references to the rejection of previous applications and all references to the charging party's having filed a charge with the Department.

Department of Human Rights, Complainant, vs. Teamsters Local Union #544, E2612.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Teamsters Local Union #544, her union (hereinafter "respondent"), discriminated against her on the basis of sex with respect to compensation, terms, conditions, and privileges of employment. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The Department and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed that all classifications in contracts negotiated by them shall be based on job related criteria.

2. The respondent agreed that any future negotiated contracts would not include sex-segregated classifications.

3. The respondent affirmed that it had reviewed all current contracts and determined that there were no females affected by past sex-segregated classifications.

OFFICIAL NOTICES

Department of Human Rights, Complainant, vs. Roaring 20's, Curtis Andus and Larry Hork, Owners/Respondents, PA264.

Charge.

A person (hereinafter "charging party") alleged that she was discriminated against because of her sex at a public accommodation, the Roaring 20's, which required her to leave because she was unescorted. Males who were unescorted were not turned away. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed that females seeking entrance and services at the respondent's establishment would not be required to conform to any conditions different than conditions applied to males; specifically, if unescorted males are permitted entrance and services, unescorted females would also be permitted entrance and services; the requirements for identification shall be no different for females than for males.

2. The respondent agreed to pay \$150.00 in punitive damages to the charging party.

Department of Human Rights, Complainant, vs. Litton Microwave Cooking Products, Respondent, E4155.

Charge.

A person (hereinafter "charging party") filed a charge alleging that his employer, Litton Microwave (hereinafter "respondent"), discriminated against him because of race in terms and conditions of his employment. The charging party alleged that his immediate supervisor made racially derogatory remarks to him, attempted to prevent him from receiving a raise, and was instrumental in the respondent's decision to lay him off. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party at the rate of \$1,336.00 per month. The respondent agreed that the salary of the charging party would be reviewed at a specified time in accordance with the respondent's custom based upon the performance of the charging party's work per-

formance prior to layoff, and his work performance following his return. Due consideration would be given to the level of performance which could have been expected if the charging party had worked continuously.

2. For purposes of all fringe benefits and privileges of employment including but not limited to sick leave, vacation seniority, pension contributions, and insurance, the respondent agreed to treat the charging party as though he had been continuously employed as an industrial engineer.

3. The respondent agreed that the charging party would not be penalized in the future consideration for transfers, promotions, and other terms and conditions of employment because of these proceedings and that no other potential employers would be advised in any way of the facts or circumstances of these proceedings.

4. The respondent agreed to expunge from its records and files any notations, remarks, or other indications that are related to the filing of a charge or that indicate that the employment of the charging party was other than continuous.

Department of Human Rights, Complainant, vs. Local 970 Metal Shop and Warehouse Men and Helpers, International Brotherhood of Teamsters Union, Respondent, E3048.

Charge.

A person (hereinafter "charging party") alleged that her union, Local 970 (hereinafter "respondent"), discriminated against her because of her sex by treating her differently than other employees on medical leaves are treated during the time she was absent from work with doctor's certification because of pregnancy. The charging party alleged that during medical leaves of absence, employees who are union members are not required to pay dues. However, when she returned from work following an absence because of pregnancy, she was informed that she was responsible for paying back union dues. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to revise union dues requirements as they relate to females who are absent due to pregnancy so that such females have the same exemption from dues requirements as persons who go on leave for illness or injury.

2. The respondent agreed to pay the charging party the dues assessed for the time that the charging party was absent due to pregnancy.

OFFICIAL NOTICES

Department of Human Rights, Complainant, vs. Three Sisters, Sue Voges, Manager, Respondent, E3372.

Charge.

An organization (hereinafter "charging party") filed a charge against Three Sisters (hereinafter "respondent") alleging that the respondent's application form required applicants to furnish information about their sex and marital status. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to revise its application form for employment by deleting references to age, sex, and marital status of prospective employees.
2. The respondent agreed to supply the revised form to all of its stores with instructions to destroy the unrevised employment application forms.

Department of Human Rights, Complainant, vs. Maximilian and Chi Chi's Restaurant, Respondent, E3508.

Charge.

A person (hereinafter "charging party") filed a charge alleging that his employer, Maximilian and Chi Chi's Restaurant (hereinafter "respondent"), discriminated against him on the basis of sex by refusing to promote him to waiter. The charging party alleged that the respondent only wanted female waiters. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to amend its job application form to comply with the Department's guidelines on pre-employment screening.
2. The respondent agreed to adopt sex neutral position titles and agreed to amend all job descriptions to eliminate any sex preferential language.

Department of Human Rights, Complainant, vs. Local 970 Metal Shop, Warehouse Men and Helpers, International Brotherhood of Teamsters Union, Respondent, E3049.

(CITE 2 S.R. 1579)

Charge.

A person (hereinafter "charging party") alleged that her union, Local 970 (hereinafter "respondent"), discriminated against her because of her sex by treating her differently than other employees on medical leaves are treated during the time she was absent from work due to pregnancy. The charging party alleged that union members on medical leave are not required to pay union dues but that she was informed she would have to pay dues when she was absent because of pregnancy. The Commissioner of Human Rights found cause to believe the charging party's allegation after an investigation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to revise dues requirements as they relate to females who are absent due to pregnancy so that females are exempt from dues requirements while absent due to pregnancy in the same manner as other persons who are absent because of illness or injury.
2. The respondent agreed to return the dues assessed the charging party for the time the charging party was absent due to pregnancy.

Department of Human Rights, Complainant, vs. The Pub, Dave Rohde, Owner/Respondent, PA284.

Charge.

A person (hereinafter "charging party") alleged that the owner of The Pub, a public accommodation (hereinafter "respondent"), discriminated against the charging party and his companions because of their race. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to post in conspicuous places on the premises of his business a statement of non-discriminating policy which would be maintained toward persons of all races, religions, national origin, and sex.
2. The respondent agreed to pay the charging party the sum of \$50.00 in punitive damages.

Department of Human Rights, Complainant, vs. Eberhardt Company, Inc., Respondent, E2511.

Charge.

A person (hereinafter "charging party") filed a charge

OFFICIAL NOTICES

alleging that Eberhardt Company Inc. (hereinafter "respondent") discriminated against single persons and women by placing an ad in a newspaper to fill a vacancy for a caretaker which read, ". . . Prefer married couple but will consider two fellows." The Commissioner of Human Rights determined that cause existed to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to offer the charging party employment in the position of caretaker in a complex owned by the respondent's company.

2. The respondent agreed not to advertise for persons in a manner which violates the Minnesota Human Rights Act.

Department of Human Rights, Complainant, vs. Doug M. Nelson, Owner/Respondent, H874.

Charge.

A person (hereinafter "charging party") filed a charge of discrimination alleging that Doug M. Nelson, owner of a rental unit (hereinafter "respondent"), refused to rent to her because of her marital status. The charging party alleged that the respondent told her that his procedure for selection was "first-come, first-serve" provided that recommendations supplied by applicants were satisfactory.

The charging party alleged that in spite of satisfactory recommendations, she was subsequently told when she called that the respondent had rented the unit to a single female. The Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to post an Equal Opportunity Housing sign in the rental office of subject property.

2. The respondent agreed to use an Equal Opportunity Housing phrase in all classified ads offering apartments for rent in subject property for the next two years supplying the Department with copies of such ads.

3. The respondent agreed to pay the charging party \$75.00 in compensatory damages.

Department of Human Rights, Complainant, vs. Minnesota Department of Education, Teachers Certification Division, Respondent, E2188.

Charge.

A person (hereinafter "charging party") filed a charge alleging that the Teacher Certification Division of the Minnesota Department of Education (hereinafter "respondent") discriminated against her because of sex by setting different and more severe standards for certification as a coach for girls' sports than standards set for coaching boys' sports.

The charging party further alleged that in setting these differential standards, the respondent aided and abetted schools in the state to violate the State Human Rights Act. The Commissioner of Human Rights found cause to credit the charging party's allegation following an investigation.

Settlement.

The Department and the respondent agreed to settle the matter in the following manner:

1. The respondent informed all public school superintendents that Rule Education 345A would not be enforced on or after its scheduled effective date.

2. The parties to the agreement expressly agreed that efforts to locate the charging party proved unsuccessful; that the charging party did not approve or sign the agreement; that specific relief for the charging party was not provided through the agreement; and, that all rights and protections afforded by the Minnesota Human Rights Act are reserved by the charging party.

Department of Human Rights, Complainant, vs. United Electrical, Radio and Machine Workers of America, Local #1139, Respondent E3403.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Local #1139 (hereinafter "respondent") discriminated against her because of sex by not representing her fully in a grievance she had filed with the union against her employer, Litton Microwave, regarding a maternity leave of absence. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed that future contract negotiations with Litton Microwave would take and assert the position that any clause contained in the contract relating to sick leave benefits should provide that employees represented by the respondent who suffer pregnancy-related illnesses would not be excluded from benefits that are awarded per-

OFFICIAL NOTICES

sons with non-pregnancy-related illnesses because such exclusion conflicts with Minnesota Legislation.

Department of Human Rights, Complainant, vs. All Lines Leasing Corporation, Respondent, PA195.

Charge.

A person (hereinafter "charging party") filed a charge alleging that All Lines Leasing Corporation (hereinafter "respondent") discriminated against the charging party and his associates because of their race when they attempted to lease a van from the respondent. The charging party alleged that he and his associates, who are Native Americans, were involved in a federally subsidized training program. The charging party further alleged that prior to the respondent's knowledge that the charging party was renting the van on behalf of a federally subsidized group, a lower price was quoted for the lease than was quoted after the respondent became aware of the federal subsidy. The Commissioner of Human Rights found cause to credit the charging party's allegation of discrimination.

Settlement.

The matter was settled in the following manner:

1. Since the business with which the respondent was affiliated had ceased to exist when the charge was filed, the respondent agreed that in any such future business which the respondent owns and operates, the respondent will abide by the Minnesota Human Rights Act.

Department of Human Rights, Complainant, vs. Data 100 Corporation, Respondent, E3013.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Data 100 Corporation (hereinafter "respondent"), his employer, terminated his employment because of his race. The charging party alleged that after one week of orientation and work on the job, his manager submitted a statement to the effect that he was unable to perform the job duties. Following an investigation the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to pay the charging party the sum of \$500.00 in full settlement of the charge.

PRE-DETERMINATION AGREEMENTS

A pre-determination agreement is an agreement reached prior to the Commissioner's finding of probable or no prob-

able cause to credit the allegation(s) contained in a charge of discrimination. It is signed by the charging party, the respondent, and the Commissioner. A pre-determination agreement may be reached through a departmental procedure called the 30-Day Waiver Process. Prior to a formal investigation by the department, a charging party and a respondent may mutually agree to request that the department waive investigation of a charge for 30 days while the parties attempt to settle the matter.

Department of Human Rights, Complainant, vs. Mr. Steak House, Respondent, E4600.

Charge.

A person (hereinafter "charging party") alleged that Mr. Steak (hereinafter "respondent"), her employer, discriminated against her because of her sex and marital status in respect to hire, tenure, compensation, terms, upgrading, conditions, and privileges of employment. The charging party alleged that because she was unmarried and pregnant, the respondent told her that she could not work after her third month of pregnancy because her presence would affect the image of the business adversely.

The charging party further alleged that she was told by the respondent that she would not be reinstated following her pregnancy but that she was going to be replaced. Prior to a formal investigation, an agreement was reached.

Agreement.

The charging party and the respondent settled the matter as follows:

1. The respondent agreed that the charging party would be permitted to work as long as she was physically able to do so.

2. The respondent agreed that when the charging party became physically unable to continue her employment due to her pregnancy, the charging party would be granted a disability leave.

3. The respondent agreed that the disability leave would continue until the charging party was physically able to return to work at which time the charging party would be reinstated to her former job or in a position of like status and pay.

Department of Human Rights, Complainant, vs. Appleton Municipal Hospital, Respondent, E4550.

Charge.

A person (hereinafter "charging party") filed a charge of discrimination alleging that Appleton Municipal Hospital

OFFICIAL NOTICES

(hereinafter "respondent"), the charging party's employer, terminated her employment because of a disability. The charging party alleged that after she broke a bone in her arm and submitted a physician's statement to the respondent about her inability to work, she received a separation notice from the respondent.

The charging party alleged that when she received her physician's approval to return to work, the respondent denied her the right to return to work. Prior to a formal investigation, an agreement was reached.

Agreement.

The matter was settled in the following manner:

1. The respondent agreed to reinstate the charging party to her former job or to a job of like status or pay and that all seniority rights and benefits would be reinstated to the date of original hire.

2. The respondent agreed that the work hours of the charging party would be scheduled for approximately the same hours as the charging party worked formerly.

3. The respondent agreed that the charging party would be awarded \$182.16 in vacation pay as full settlement of the charge since the charging party waives all claims for a financial settlement for time and back wages lost.

4. The respondent agreed that no reprisals would be taken against the charging party because the charging party filed a charge.

Department of Human Rights, Complainant, vs. Gould, Inc., Respondent, E4594.

Charge.

A person (hereinafter "charging party") filed a charge of discrimination alleging that his employer, Gould, Inc. (hereinafter "respondent"), terminated his employment because of disability.

The charging party alleged that he was ill and under doctor's care for several weeks and that when he furnished a doctor's statement that he could return to work, he was terminated because of absenteeism. Prior to a formal investigation, an agreement was reached.

Agreement.

The matter was settled in the following manner:

1. The respondent agreed to place the charging party back into his original position.

2. The respondent agreed that reemployment would include recognition of time worked for the respondent up to the time the doctor stated he could return to work for purposes of seniority and benefit plans.

3. The respondent agreed that the termination would not be considered a break in the continuity of the charging party's length of service with the respondent.

4. The respondent also agreed that the charging party would be granted full seniority from the time the doctor stated he could return to work.

Department of Human Rights, Complainant, vs. Chicago and Milwaukee, St. Paul and Pacific Railroad, Respondent, E4139.

Charge.

A person (hereinafter "charging party") filed a charge of discrimination alleging that her employer, Chicago and Milwaukee, St. Paul and Pacific Railroad, (hereinafter "respondent"), discriminated against her by not allowing her to either return to work following a period of disability or be disqualified from the position she held because of her sex. The charging party alleged that heavy physical duties were added to her job duties during her absence because of illness and that her doctor supplied a statement to her employer that she could not perform heavy physical duties upon her return. Prior to a formal investigation, an agreement was reached.

Agreement.

The parties settled the matter in the following manner:

1. In consideration of the respondent's efforts to make accommodations for the charging party's medically related physical limitations in a position with the respondent available to the charging party by virtue of her seniority so that the charging party might fill such position and qualify for severance benefits under the contract existing between the respondent and the Brotherhood of Railway and Airline Clerks, the charging party agreed to execute this agreement:

a) The charging party acknowledged that she voluntarily resigned from her employment with the respondent upon her understanding that she is eligible for severance benefits;

b) The receipt of the severance benefit pursuant to the Brotherhood of Railway and Airline Clerk contract was assured to the charging party by the respondent because she was entitled to those benefits upon her severance.

The payment of the benefit was in no way contingent upon the execution by the charging party of this pre-determination agreement;

OFFICIAL NOTICES

c) Upon receipt of the severance benefit, this agreement shall be in full force and effect and binding upon the parties and their representatives in accordance with its term.

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on Standards for Outpatient Treatment for Peoples With Alcohol and Other Drug Problems

Notice is hereby given that the Minnesota Department of Public Welfare is considering adoption of DPW Rule 43: Standards For Outpatient Treatment Programs For Peoples With Alcohol and Other Drug Problems.

This proposed rule will govern any outpatient treatment program with a defined treatment approach ~~regime~~ serving five or more people experiencing problems related to alcohol or other drugs for the main purpose of providing primary or post-primary treatment care at least once a week.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Christine J. Heath
Chemical Dependency Division
Department of Public Welfare
4th Floor, Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-4615.

All statements of information and comment must be received by March 3, 1978. Any written material received by the Department shall become part of the hearing record.

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on Rules Governing the Administration of the Aid to Families with Dependent Children Program

Notice is hereby given that the Minnesota Department of Public Welfare is considering proposed amendments to

DPW Rule #44, Aid to Families With Dependent Children. This rule governs the administration of the Aid to Families with Dependent Children Program. The rule outlines the program requirements as the basis to providing financial assistance to families due to death, absence, incapacity or unemployment of the father. This rule also governs Aid to Families with Dependent Children-Foster Care (AFDC-FC), Unborn (UB), and Emergency Assistance (EA) Programs.

The proposed changes reflect numerous deletions, revisions, and additions to most parts of the present Rule resulting from changes in Federal and State Laws and Regulations.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Neil R. McKellips, Supervisor
Client Eligibility Unit
Department of Public Welfare
Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2754 and (612) 296-6433. All statements of information and comment must be received by March 6, 1978. Any written material received by the Department shall become part of the hearing record.

Department of Transportation

Notice of Application and of Opportunity for Hearing Regarding Petition of Chicago and North Western Transportation Company for Authority to Retire and Remove Track Located at Red Wing, Minnesota

Notice is hereby given that the Chicago and North Western Transportation Company, with offices at 4200 IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supplement) and § 218.041, subd. 3 (10) (1977 Supplement) to retire and remove approximately 382 feet of former Chicago and Great Western track located at Red Wing, Minnesota. The petition recites among other matters that: "The subject track

OFFICIAL NOTICES

is no longer needed for railroad transportation service, and constitutes a continuing and burdensome maintenance expense. The track is not used at the present time and there is no present prospect that the subject track will be needed in the future. The only party who might have any interest in the retention of the subject track or who has used it to any degree within the last several years is Schammel Oil Company. . . .”

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before March 20, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

IF THIS MATTER IS SET FOR HEARING, any person who desires to become a PARTY to this matter must submit a timely PETITION TO INTERVENE to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the ground and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington
Commissioner of Transportation

Department of Transportation

Notice of Application and of Opportunity for Hearing Regarding Petition of Chicago and North Western Transportation Company for Authority to Retire and Remove Track Located at Owatonna, Minnesota

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Cen-

ter, 80 South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supplement) and § 218.041, subd. 3 (10) (1977 Supplement) for authority to retire and remove approximately 760 feet of ICC Track No. 318, the turnout of ICC Track No. 319 and approximately 340 feet of the end of ICC Track No. 319 located in Owatonna, Minnesota. Said trackage is located generally within the boundaries of Union Street on the north, Front Street on the south, Elm Street on the east, and Oak Street, if extended, on the west.

The petition recites among other matters that: “The subject tracks are no longer needed for rail transportation service, and constitute a continuing and burdensome maintenance expense. The tracks are not used at the present time, and there is no present prospect that the subject tracks will be needed in the future.”

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before March 20, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

IF THIS MATTER IS SET FOR HEARING, any person who desires to become a PARTY to this matter must submit a timely PETITION TO INTERVENE to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington
Commissioner of Transportation

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules, notices and executive orders.

- _____ Annual subscription \$110.00
- _____ Additional subscription \$85.00

State Register Binder. Durable 3½ inch, forest green binders imprinted with the State Register logo.

- _____ State Register Binder \$5.00 + \$.20 (sales tax) = \$5.20* each

Guidebook to State Agency Services. The 53rd issue of the State Register, a how-to-get-it guide to state services. Detailed information about every service available to the public, in clear, simple English.

- _____ Single copy \$5.95 + \$.24 (sales tax) = \$6.19*
- _____ Ten copies or more \$5.00 + \$.20 (sales tax) = \$5.20*

Minnesota Code of Agency Rules (MCAR). The permanent, 15 volume set of state agency rules. An indispensable reference work for the practice of administrative law.

- _____ 15 volume set \$325.00, includes the annual update service subscription for the year of order (a \$105.00 value) and a set of MCAR binders.

MCAR Binders. A set of 15 sturdy, three inch, three-ring binders in attractive forest green, imprinted with the MCAR logo.

- _____ 15 volume set \$35.00 + \$1.40 (sales tax) = \$36.40*

*To avoid Minnesota sales tax, please include below your tax exempt number.

Please enclose full amount of items ordered. Make check or money order payable to "Minnesota State Treasurer."

Name _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

Tax Exempt Number _____

~~Legislative Reference Library~~
Attn: ~~Stephen Plumb~~
~~Room 111 State Capitol~~
~~St. Paul, Minnesota 55155~~

I

8/3