

State



STATE OF  
MINNESOTA

Register

**IN THIS ISSUE:**

Search for Lost Persons

—Emergency Executive Order from the Governor

Health Maintenance Organization Employers

—Adopted Rules from the Department of Health

Home Care and Training for Mentally Retarded Children

—Adopted Rules from the Department of Public Welfare

Matters of Metropolitan Significance

—Proposed Rules from the Metropolitan Council

Nursing Assistants Training Program

—Proposed Rules from the Board of Nursing

Governor's Appointments

—Notice of Positions Available from the Governor

Paid Expert Witnesses

—Advisory Opinion Request from the Ethical Practices Board

Chemical Dependency Levels

—Request for Proposals from the Department of Public Welfare

**VOLUME 1, NUMBER 32**

**FEBRUARY 15, 1977**

## Subscribers Hotline

Phone inquiries regarding subscriptions should be directed to Marjorie Borchard at (612) 296-8239.

## How to Cite

Cite all material in the *State Register* by Volume number and page number.  
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



Individual copies of the *State Register* may be purchased at either the Office of the State Register or the Documents Section, for \$2.25.

Change of address notices, subscription or single-copy orders and undelivered copies should be sent to:

THE OFFICE OF THE STATE REGISTER  
95 Sherburne, Suite 203  
St. Paul, Minnesota 55103  
296-8239

Materials published in the *State Register* are public records under Minn. Stat. § 15.17. Individual documents may be freely copied from the *State Register*. However, 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 Thursday 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 at the day and hour endorsed thereon; 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 second and additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota.

Copyright © 1977 State of Minnesota

Rudy Perpich  
Governor

Richard L. Brubacher,  
Commissioner,  
Department of Administration

George T. Morrow, II,  
Director,  
Office of the State Register

# Contents

## Executive Orders

### Emergency Executive Order No. 139

Providing for Assistance to Officials of Polk  
County in Search for Lost Persons . . . . . 1200

### Executive Order No. 138

Providing for Altered Work Schedules for State  
Employees During the Energy Emergency . . . . . 1200

## Rules

### Department of Health

Adopted Rules for Health Maintenance  
Organizations Affecting Employees . . . . . 1202

### Department of Public Welfare

Adopted Rules Governing Program for Home  
Care and Training of Mentally Retarded  
Children . . . . . 1206

## Proposed Rules

### Department of Public Safety

#### Division of Motor Vehicles

Proposed Rules Governing the Registration and  
Licensing of Bicycles . . . . . 1208

## Metropolitan Council

Proposed Rules for Review of Proposed Matters  
of Metropolitan Significance . . . . . 1210

## Board of Nursing

Proposed Rules Governing  
Nursing Assistant Training Programs for  
Employees of Nursing Homes . . . . . 1221

## Official Notices

### Office of the Governor

#### Appointments Commission

Notice of Positions Available . . . . . 1229

### Ethical Practices Board

Advisory Opinion Request Regarding Paid  
Expert Witnesses . . . . . 1229

### Department of Public Welfare

#### Chemical Dependency Division

Request for Proposals for Measurement of  
Chemical Dependency Levels . . . . . 1230

# List of MSAR Rules Affected\*

List of rules within the Manual of State Agency  
Rules affected by documents published in the  
State Register during the current quarter beginning  
January 1, 1977:

### Department of Agriculture

Agr 543-547 . . . . . 1055

### Department of Education

EDU 120-123 . . . . . 1163

### Environmental Quality Council

MEQC 21-41 . . . . . 1093

### Department of Health

MHD 200, 201, 203-251 . . . . . 1162

### Livestock Sanitary Board

LSB 32 (proposed) . . . . . 1129

### Board of Pharmacy

Pharm 1-4, 6-13, 21, 23, 25-28, 31, 33, 36,  
37, 40, 41, 43-46, 51, 61, 101-106, 111-118  
(proposed) . . . . . 1137

### Pollution Control Agency

APC 4, 11 . . . . . 1111

### Board of Psychology

Psych 2, 7 . . . . . 1118

### Department of Public Safety

Liq 1-36, 38, 39, 56, 67, 71, 73, 75,  
83, 84, 92, 95, 98, 100, 123 (proposed) . . . . . 1071  
SafAd 96-105 . . . . . 1057  
Mo Veh 58 (proposed) . . . . . 1136  
DES 90, 91, 94 . . . . . 1179

### Department of Public Service

PSC 2, 5, 106, 120, 122-124, 128, 179-183,  
212, 215, 219, 280-282, 284, 286, 287,  
295, 296, 298-303, 311, 313-315,  
317-326, 328-335, 410-418, 420-423  
(proposed) . . . . . 968

### Department of Public Welfare

DPW52 (proposed) . . . . . 1001  
DPW 90, 91, 94, 104, 125-128 . . . . . 1180

### Department of Transportation

Hwy 32 . . . . . 1057

\*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MSAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MSAR.

# EXECUTIVE ORDERS

---

---

## Emergency Executive Order No. 139

### Search for Lost Persons

### Providing for Assistance to Officials of Polk County

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

WHEREAS, officials of Polk County request assistance in a search for lost persons in the vicinity of Crookston; and,

WHEREAS, the severity of the snowstorm and gusting winds preclude an effective search within available resources of Polk County:

NOW, THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty on and after 27 January 1977, 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 successfully complete a search for the lost persons.

2. Cost of subsistence, transportation and fuel, and pay and allowance of said individuals will be defrayed from the General Revenue of the state as provided for by Minn. Stat. § 192.49, subd. 1; § 192.51 and § 192.52.

This order shall be effective immediately and shall remain in force until May 1, 1977.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 2nd day of February, 1977.



## Executive Order No. 138

### Providing for Altered Work Schedules for State Employees During the Energy Emergency

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

WHEREAS, a serious heating oil supply problem confronts Minnesota; and

WHEREAS, the Executive Council, on January 18, 1977, declared an energy supply emergency; and

## EXECUTIVE ORDERS

---

WHEREAS, the State has curtailed the use of fuel by reducing the temperature level in State buildings; and

WHEREAS, the State has requested the public and private sectors to take all possible steps to reduce the use of energy; and

WHEREAS, the State can further reduce the use of energy during this emergency by altering its office schedules; and

WHEREAS, Laws of 1977, ch. 1, grants me the authority to alter or adjust working hours, work days, work week, annual and sick leave provisions and payroll laws regarding state employees in the executive branch;

NOW, THEREFORE, I ORDER:

1. The Commissioner of Administration, as my designee, to:
  - a. Implement a four day, 40 hours per week work plan for State offices;
  - b. Designate the days State offices will be closed;
  - c. Adjust annual leave, sick leave and payroll rules, laws and procedures to assure, to the extent possible, employees will not suffer a decrease in pay because of the change in work schedules;
  - d. Ensure, to the extent possible, that employees will accrue annual and sick leave at their normal rates; and
  - e. Take all steps necessary to define, implement and administer this order.
2. The Commissioners of Finance and Personnel to fully cooperate and give every assistance to the Commissioner of Administration in implementing this plan.
3. The provisions of any law, rule or agreement that conflict with this order are suspended, to the extent necessary, while this order is in effect.

This order is effective immediately and shall remain in effect until rescinded or until April 1, 1977, whichever is the earlier.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 1st day of February, 1977.



# RULES

## Department of Health Health Maintenance Organization Rules Affecting Employers

Chapter Twenty-Eight Rules for Regulation of Health Maintenance Organizations

The following rules are adopted to set forth conditions for implementation of Section 17 of Laws of 1976, ch. 296, "Comprehensive Health Insurance Act of 1976". The rules also amend the service area requirement in the existing Health Maintenance Organization Rules.

### MHD 377. General provisions.

**A. Definitions.** In addition to the definitions in Minn. Stat. §§ 62D.02, 62E.02 and MHD 367, the terms and phrases defined in this section have the meaning given them.

1. "Applicable employer" applies to any person, partnership, association, trust, estate, corporation or political subdivision which:

a. During the calendar quarter preceding the date of request pursuant to MHD 377 C. or MHD 377 F., employed in Minnesota an average number of not less than 100 employees, other than employees engaged in seasonal employment as defined in Minn. Stat. § 268.07, subd. 5;

b. Offers, or on whose behalf there is offered, in the calendar quarter preceding the date of request pursuant to MHD 377 C. or MHD 377 F. a health benefits plan to its eligible employees, whether purchased from an insurer or a health maintenance organization or provided directly by the applicable employer on a self-insured basis;

c. Has received a written request for inclusion in the health benefits plan from a health maintenance organization [[or insurer]] in the manner prescribed by MHD 377 C. [[or MHD 377 F.]] Such a written request is not required before applicability to employers who do not offer an accident and health insurance option but are otherwise included under this definition.

One ceases being an applicable employer for a particular calendar quarter in which either:

(1) one fails to employ 100 persons as in paragraph a. above; or,

(2) one ceases to offer a health benefits plan to employees during a calendar quarter as in paragraph b. above.

2. "Collective bargaining agreement" means an agreement entered into between an employer, who is [[subject to the National Labor Relations Act (29 U.S.C. 151 et. seq.)]] required by any State or Federal law to negotiate health benefits with employees in a bargaining unit and to produce a written agreement evidencing the result of such bargaining, and the bargaining representative of its employees.

3. "Designee" means any person or entity authorized to act on behalf of an applicable employer or group of applicable employers to offer an accident and health insurance policy, health maintenance contract, or self-insured health benefits plan, to the applicable employer's eligible employees.

4. "Eligible employee" means an employee who meets the terms and conditions established by an applicable employer, or its designee to participate in an existing health benefits plan.

5. "Existing health benefits plan" means either:

a. Any contract or agreement between an applicable employer, or its designee, and a health maintenance organization or an insurer which provides for payment for, or provision of, medical, surgical or hospital care; or

b. Any self-insured program made available by the applicable employer which provides for payment for, or provision of, medical, surgical, or hospital care.

A plan shall be deemed an "existing health benefits plan" when it is subject to the terms of a collective bargaining agreement which specifically mandates health benefits or identifies the health maintenance organization or insurer which is to be contracted with for health benefits.

6. "To offer a health benefits plan," as the phrase is used in Minn. Stat. § 62E.17, subd. 1, means to make participation in an existing health benefits plan available to eligible employees, or to such employees and their eligible dependents, where a financial contribution is made by the employer on behalf of such employees.

### B. Applicability to employers.

1. An employer, who, prior to the effective date of these rules, offered a dual option of either an accident and health insurance policy or health maintenance organization contract and continues to make a dual option

## RULES

available, shall not be considered to be an "applicable employer" for purposes of these rules.

2. If an employer has executed a written agreement with an insurer and health maintenance organization to offer a dual option at the next renewal of the health benefits contract, the employer shall not be considered to be an "applicable employer" for the purposes of these rules.

3. An employer who offers an accident and health insurance option and is not requested in writing by a health maintenance organization ~~[[or insurer]]~~ shall not be deemed to be an "applicable employer" subject to ~~[[dual option]]~~ offering the health maintenance organization option and shall not be deemed in violation of this law.

4. Nothing in these rules shall prevent an employer from seeking out a health maintenance organization or insurer in order to offer the dual option without being subject to these rules.

C. Request to employer for dual option inclusion by a health maintenance organization. A request for dual option inclusion in an employer's health benefits plan by a health maintenance organization shall be received by the employer or the employer's designee not less than 120 days in advance of the renewal date of the existing health benefits plan, unless the employer or its designee waives this time requirement. The request shall:

1. Be in writing, dated and directed to the specific employer, or the employer's designee.

2. Provide evidence that the health maintenance organization has a certificate to operate a health maintenance organization in Minnesota.

3. Describe the service area of that health maintenance organization filed with the state board of health according to Minn. Stat. § 62D.03, Subd. 4(i).

4. Describe the location of facilities where health services are provided or will be provided~~[[.]], and give the days and hours of operation of those facilities. The provision for listing of days and hours of operation shall be waived for health maintenance organizations which provide health services through more than twenty (20) ambulatory health care locations.~~

5. Include sample contracts to be entered into be-

tween the health maintenance organization and the employer, or its designee. The health maintenance organization shall specify the final contract at least 30 days prior to the group open enrollment.

6. State the proposed schedule of charges to be required for various categories of enrollment. After the request is submitted to the employer but at least 30 days prior to the group open enrollment, the schedule of charges may be adjusted by the health maintenance organization in consideration of demographic and other information provided by the employer.

7. Provide a copy of the most recent annual financial statement of health maintenance organization.

8. Include sample copies of marketing brochures and membership literature.

D. Substitution of another health maintenance organization. If the applicable employer or its designee, subject to MHD 377 C., selects one or more other health maintenance organization which may not have made a request under MHD 377 C., but is willing to be included in the health benefits plan, the applicable employer is not required to include the option of enrollment in the specific health maintenance organization which initiated the request for inclusion.

E. Multiple health maintenance organization options. An applicable employer, or its designee, may include in the health benefits plan offered to its employees, the option of enrollment in other health maintenance organizations which the applicable employer or its designee may decide to offer.

~~[[F. Request to employer for dual option inclusion by an insurer. A request for dual option inclusion in an employer's health benefits plan by an insurer shall be received by the applicable employer or its designee not less than 120 days in advance of the renewal date of the existing health benefits contract, unless the applicable employer or its designee waives this time requirement. The request shall:~~

~~1. Be in writing, dated and directed to the specific employer, or the employer's designee.~~

~~2. Provide evidence that the insurer has been licensed by the commissioner of insurance.~~

~~3. Include proposed accident and health insurance~~

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

## RULES

policies approved by the commissioner of insurance, to be entered into between the insurer and the employer, or employer's designee.

4. State the proposed premium rate calculation applicable to the accident and health insurance policy which would be issued to the employer for various categories of coverage.]]

F. Obligation to offer the accident and health insurance option. An applicable employer shall offer an accident and health insurance policy to eligible employees and their dependents at the next renewal of the existing health benefits contract. The applicable employer may choose any insurer which operates pursuant to Minn. Stat. chs. 62A or 62C.

[[G. Substitution of another insurer. If the applicable employer or its designee, subject to MHD 377 F., selects another insurer that may not have made a request under MHD 377 F., but is willing to be included in the health benefits plan, the applicable employer is not required to include the option of enrollment with the specific insurer who initiated the request for inclusion.]]

MHD 378. Offer of the dual option to employees.

A. Collective bargaining. [[If the applicable employer offers the existing health benefits plan through a collective bargaining agreement, the dual option shall be offered, for those employees subject to collective bargaining, when a new contract is negotiated or if such agreement is automatically renewable, on its anniversary date. The applicable employer which has received a request pursuant to MHD 377 C. or F., shall be required to make dual option available to employees not subject to collective bargaining.]]

1. For those employees whose existing health benefits plan is offered through collective bargaining agreement, the dual option shall be subject to the collective bargaining process, when a new collective bargaining agreement is negotiated or if such agreement is automatically renewable, on its anniversary date.

2. If the collective bargaining representative rejects all the new dual option alternatives, the employer shall not be considered to be an applicable employer for the purposes of these rules until the next renewal date of the existing health benefits plan. If more than one dual option request is forwarded to the collective bargaining representative, the employer may specify that no more than one of the dual option alternatives be selected.

3. The applicable employer shall be required to make dual option available to employees not subject to

collective bargaining at the next renewal date of the contract covering those employees.

B. Renewal date. The employer's obligation to offer a dual option to employees shall be applicable on the first renewal of the existing health benefits plan, [[after the submission of a request for inclusion pursuant to MHD 377 C. or F.]]. In the case of an existing health benefits plan that has no fixed term, the contract shall be treated as renewable on the anniversary date of the contract[[.]] or the renewal of the collective bargaining agreement, at the discretion of the employer. If the applicable employer is self-insured, the fiscal year shall be considered the term of the existing health benefits plan.

C. Group enrollment period. An applicable employer who offers the option of enrollment with an insurer or health maintenance organization pursuant to MHD 377 C. or F., shall provide for a group open enrollment period in which dual option is offered. During the first time dual option is made available, the health benefits plan alternatives shall be presented to each eligible employee with the requirement that an affirmative written selection be made by each employee among the alternatives included in the health benefits plan.

D. Selection by new employees or transferees. The opportunity to select among the options within a health benefits plan shall be made available to new employees and employees who have been transferred to a new geographic location at the time the employees are eligible to participate in the health benefits plan, regardless of whether this coincides with the open enrollment period. At the time such employees are eligible to participate in the health benefits plan, such opportunity shall be presented to such employees with the requirement that they make an affirmative written selection among the alternatives included in the health benefits plan.

E. Access to employees. The applicable employer shall provide each health maintenance organization or insurer which is included in its health benefits plan under MHD 377 C. or F. with fair and reasonable access, at least thirty days prior to and during the group enrollment period, for the purpose of presenting and explaining its program. This accessibility shall include, at a minimum, the opportunity for distribution of educational literature, brochures, announcements of meetings and other relevant printed materials to each eligible employee. This information shall be free of untrue or misleading statements, as prohibited by Minn. Stat. § 62D.12, subd. 1 and § 72A.17 to § 72A.321. In no event shall the access to eligible employees provided to a new option under MHD 377 C. or F. be more restrictive than that provided offerers of alternatives in the health benefits plan, whether or not the representatives of the



## RULES

other alternatives elect to avail themselves of such accessibility.

F. If, following completion of the first annual enrollment period and before the actual effective date, less than twenty-five employees select an option offered in accordance with MHD 377 C. or F., then the applicable employer, health maintenance organization under MHD 377 C. or insurer under MHD 377 F., may choose not to provide such new option. If the new option is cancelled due to this clause, the applicable employer shall re-open the enrollment process and shall permit each eligible employee to select among the remaining options in the health benefits plan, without penalty to the employees.

**MHD 379 Employer contribution for dual option alternative.**

A. The monetary contribution by an applicable employer for dual option added pursuant to MHD 377 C. or F. shall be based on terms no less favorable than the terms on which contributions to the existing health benefits plans are based. In no event shall the employer's contribution be less in absolute dollar amount per employee for the new dual option alternative than the employer's current contribution for the existing health benefits plan, unless the same absolute dollar amount of the current contribution would exceed the schedule of charges of the new dual option alternative. The applicable employer shall use payroll deduction to collect the eligible employee's contribution toward health benefit coverage if such a payroll deduction system is used under the existing health benefits plan.

B. The amount of the applicable employer's contribution shall be determined in a manner consistent with the following factors:

1. The amount of the applicable employer's contribution shall not be reduced on the basis of administrative expenses of the applicable employer or its designee associated with offering the dual option.

2. The amount of the applicable employer's contribution may exclude such portions of the contribution allocated to benefits other than medical, surgical and hospital care (e.g., life or disability insurance) for which eligible employees and their eligible dependents will continue to be covered, regardless of selection of the dual option alternative.

C. If the amount of the applicable employer's contribution for health benefits is fixed by a collective bar-

gaining agreement or by a contract with eligible employees, the amount so determined shall constitute the applicable employer's obligation for contribution toward the health maintenance organization prepayment charge or accident and health insurance premium on behalf of an eligible employee and his or her eligible dependents.

D. Where the applicable employer's contribution for health benefits is determined by a collective bargaining agreement, but the amount so fixed includes contribution for benefits in addition to health benefits, the applicable employer or its designee shall determine the portion of such employer's contribution applicable to health benefits in accordance with this section.

E. In the absence of a collective bargaining agreement or employer-employee contract specifying contribution for health benefits, the applicable employer's contribution on the behalf of eligible employees and their eligible dependents, unless otherwise agreed to by the health maintenance organization or insurer and the applicable employer or its designee, shall be based upon the total costs of such health services offered to Minnesota employees for the most recent period for which experience is available, reduced by such amounts identified in accordance with paragraph B.2. of this rule. Such cost determination shall be consistent with paragraph A.

**MHD 380 Dual option on a self-insured basis.**

A. The requirement for offering an accident and health insurance policy in these rules shall be satisfied if the employer ~~[[directly]]~~ pays claims under a health benefits plan which includes all the mandated benefits required by Minn. Stat. chs. 62A or 62C. For the purposes of these rules, the self-insured plan need not be otherwise approved by the commissioner of insurance.

B. The requirements for offering a health maintenance organization contract in these rules shall be satisfied if the employer ~~[[directly]]~~ provides health services which include all the comprehensive health maintenance services required by Minn. Stat. ch. 62D. For the purposes of these rules, the employer-operated health maintenance organization need not be otherwise authorized by the state board of health to perform health maintenance organization functions.

**MHD 369D. Service area standard.**

4. The applicant's geographic location and hours of

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

# RULES

operation will facilitate the reasonable delivery of health care services to potential enrollees. In assessing this standard of reasonable delivery of services, the Board may consider the utilization patterns of the existing health care delivery system in the proposed geographic area.

## Department of Public Welfare Program for Home Care and Training of Mentally Retarded Children

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

### A. Introduction.

1. This rule governs the administration of reimbursement to local boards for the cost of home care and training of children who are mentally retarded pursuant to this program of family subsidy[[]], as provided in Minn. Stat. § 252.27, subd. 4.

### 2. Definitions.

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

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

c. Licensed community residential facility for mentally retarded persons. A facility which is licensed under DPW 34 (Minn. Stat. § 252.28), and the Minnesota Department of Health Rule for supervised living facilities[[]] (Minn. Stat. § 144.56).

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

e. Mentally retarded person. A mentally retarded person refers to any person who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior [[such as to require supervision and protection for his welfare or the public welfare.]] and manifested during the developmental period.

(1) Intellectual functioning shall be assessed by one or more of the professionally recognized standardized tests developed for that purpose; significantly subaverage refers to performance which is approximately two or more standard deviations from the mean or average of the tests. [[Mental retardation under this rule includes manifestation during the developmental period to 18 years of age and brain injuries occurring in adult life.]]

(2) Adaptive behavior shall be determined through the use of published scales, or by a combination of pertinent test data, professional observations, and the utilization of all available sources of information regarding the person's behavior which indicates the degree with which the individual meets the standards of personal independence and social responsibilities expected of his age and peer group.

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

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

h. State agency. The Minnesota Department of Public Welfare.

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

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

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

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

a. Participation in the behavioral assessment of the child by means of the Minnesota Developmental

## RULES

Programming System which will be provided by the local board.

b. Furnishing sociodemographic data about the home environment.

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

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

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

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

a. Severely handicapped persons.

b. Degree of need in family environment (i.e. single parent families).

c. Potential for greatest benefit i.e. degree of developmental advancement as measured by the Minnesota Developmental Programming System.

### C. Procedures.

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

Application must include:

a. Application for social services, DPW-1400

b. Service plan and agreement, DPW-1950

c. Diagnostic data

d. Evidence of eligibility for institutionalization

e. Grant amount requested for services specified in C.1.b.

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

2. The local board shall provide the state agency with quarterly progress reports concerning progress of the child. Quarterly progress report forms will be furnished by the state agency upon acceptance of the child into the program.

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

### D. Payment.

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

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

# PROPOSED RULES

## Department of Public Safety Division of Motor Vehicles

### Proposed Rules Governing the Registration and Licensing of Bicycles

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

Edward G. Novak,  
Commissioner

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room B9 Transportation Building, St. Paul, MN, 55155, on March 16, 1977, commencing at 9:00 a.m., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above.

All interested or affected persons or representatives of groups or organizations will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Written materials may be submitted by mail to Steve Mihalchick, Office of Hearing Examiners, 1745 University Ave., St. Paul, MN, either before the hearing or within 20 days after the close of the hearing.

The Commissioner proposes to adopt rules relating to the following matters: Administrative procedures for the registration and licensing of bicycles. Specifically, the proposed rules provided for the contents of application forms; proof of ownership; issuance, expiration and renewal of licenses; refunds; bicycle deputy registrars, reports, inventories, and deposits; location of license and serial number; and replacement licenses.

The department's authority to promulgate the proposed rules is contained in Laws of 1976, ch. 199. One free copy of the proposed rules are available and may be obtained by writing to Ms. Diane Hamilton, 210 Transportation Building, St. Paul, MN, 55155. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the need for the reasonableness of the proposed rules and a Statement of Evidence outlining the testimony the department will be introducing at the hearing will be filed with the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

#### Rules as Proposed

**Chapter Five: Bicycle Registration: Applications, Issuance, Transfer, Refunds, Motor Vehicle Deputy Registrars, and Bicycle Deputy Registrars**

**MoVeh 70 Purpose.** The purpose of these rules is to implement and provide effective administration for the registration and licensing of bicycles as provided by Laws of 1976, ch. 199.

**MoVeh 71 Scope.** The scope of these regulations is intended to be consistent with the provisions of Laws of 1976, ch. 199.

**MoVeh 72 Definitions.** For the purposes of these rules, the following terms shall have the meanings ascribed to them:

**A. Central Office:** The main office of the Division of Motor Vehicles located in the Transportation Building, St. Paul.

**B. Division:** The Division of Motor Vehicles of the Department of Public Safety of the State of Minnesota.

**C. Registrar:** The registrar of motor vehicles of the State of Minnesota.

**MoVeh 73 Application, contents.** The application will contain the owners name, address, and signature, the name and address of the person from whom purchased, the date of purchase, the date of registration, the make and serial number of the bicycle, the owner's date of birth, the number of wheels, wheel size (diameter), number of gears, and the type of frame of the bicycle being licensed.

**MoVeh 74 Replacement licenses and registration cards.** In the event of loss, theft, or defacement of the bicycle license or registration card issued, the registrar, upon

## PROPOSED RULES

---

---

receiving a written statement from the owner setting forth the circumstances, may issue a new bicycle license or registration card. The fee required by Minn. Stat. § 168C.07 shall be paid.

**MoVeh 75 Proof of ownership.**

A. The following will be considered proper proof of ownership:

1. The receipt from a bicycle dealer showing the buyer's name and address, the brand name and serial number of the bicycle, the date of sale, and the dealer's signature.

2. A Minnesota bicycle registration card.

3. A registration card or ownership document issued by a political subdivision that had been licensing bicycles prior to March 1, 1977.

B. If no proof of ownership has been supplied, no license will be issued until a check of the stolen files has been made.

C. If no proof of ownership is supplied and the bicycle is not listed as stolen, a license will be issued and the records and registration card will be marked to indicate no proof of ownership was supplied. When the license is renewed at the end of three years, the indicator that no proof of ownership was supplied will be removed from both the record and the registration card.

**MoVeh 76 License issue, central office.**

A. No applications will be accepted by mail for license, duplicate license, or duplicate registration card.

B. Applications for transfer of ownership or change of address will be accepted through the mail.

C. Applications of all types brought to the central office in person will be accepted.

**MoVeh 77 Expiration and renewal of licenses.**

A. A license will be valid for three years commencing from the year the license is issued.

B. Licenses will be renewable every three calendar years.

**MoVeh 78 Location of license.** The license will be placed on the bicycle frame, below the seat, on the left hand side of the bicycle facing outward.

**MoVeh 79 Refunds.** Refunds will be handled pursuant to Minn. Stat. § 16A.48.

**MoVeh 80 Assigned serial number, location.** An assigned serial number must be stamped or otherwise permanently attached to the crank housing of the bicycle by the owner.

**MoVeh 81 Motor vehicle and bicycle deputy registrars, reports and deposits.**

A. Motor vehicle deputy registrars shall deposit state fees collected daily in the state depository in which they deposit other state fees collected.

B. Bicycle deputy registrars shall deposit state fees collected whenever the total fees reach \$50 or each Friday, whichever comes first.

C. Bicycle deputy registrar deposits will be in the form of a check payable to the State Treasurer. The check will be submitted to the Division with the deputy's report.

D. Motor vehicle and bicycle deputy registrars will submit with each deposit, a report listing all transactions accepted since the last report.

**MoVeh 82 Motor vehicle and bicycle deputy registrars, inventories.** Each deputy on June 30 and December 31 of each year, shall submit to the division a report on the complete inventory of stickers on hand.

**MoVeh 83-89: Reserved for future use.**

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

# **Metropolitan Council Review of Proposed Matters of Metropolitan Significance**

## **Notice of Hearing**

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Metropolitan Council Chambers, 300 Metro Square Building, 7th and Robert Streets, St. Paul, on March 16, 1977, commencing at 1:30 p.m., reconvening at 7:30 p.m., and continuing until all persons have had an opportunity to be heard.

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

The Metropolitan Council is authorized and required by Minn. Stat. § 473.171 as amended by Laws of 1976, ch. 321, § 2, to adopt regulations dealing with proposed matters of Metropolitan Significance. The proposed regulations would establish standards by which the Council will determine which public and private land use and development activities are of Metropolitan Significance and a process for making that determination and for establishing a metropolitan remedy. Metropolitan Significance would be determined by: (1) The potential effect an action will have on the existing or planned metropolitan sewer, transportation (including highways and transit), parks and open space, and airports facilities and systems, or (2) The potential effect of an action on a local governmental unit other than the one in which the proposed matter will be sited. For example, actions involving residential construction, sited outside the existing metropolitan sewer or transportation system, might be reviewed to determine whether they would result in a premature expansion of that system. Actions within portions of the metropolitan area currently served by metropolitan systems as well, might also be reviewed to determine whether they will cause a system expansion, overutilization or relocation. A Metropolitan Significance review may be initiated only by a local governmental unit, independent commission, state agency, metropolitan commission, the Metropolitan Council, or by a petition signed by five thousand adult residents of the metropolitan area or a majority of the voting residents of an affected local governmental unit. At the conclusion of a Metropolitan Significance review, the statute and the proposed regulations authorize the Council to suspend further construction or development on a proposed matter for a period not to exceed one year or direct amendment of a metropolitan system plan if the proposal is found to be of metropolitan significance.

The total estimated cost to all local public bodies in the metropolitan area in implementing the metropolitan significance regulations is not expected to exceed \$100,000 in either of the two years following their adoption. Such costs, if any, will be incurred only if a local body determines to initiate or actively participate in a metropolitan significance review. The regulations contain no provision allowing the Metropolitan Council to allocate costs to and require reimbursement from local bodies.

Copies of the proposed rules will be available on February 7, 1977, at the Council Offices, and free copies may be obtained by writing to the Metropolitan Council, 300 Metro Square Building, St. Paul, 55101, or by calling 291-6464. Additional copies will be available at the door on the date of the hearing. A written summary describing the basis for the composition of the draft regulations and a "Statement of Evidence" outlining the testimony the Council will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

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

Persons interested in testifying at the hearing may register in advance by telephoning the Metropolitan Council at 291-6482. Those who register first will be scheduled to speak first.

John Boland, Chairman

## **Rules as Proposed**

### **Chapter I**

**MC 1 Purpose and scope. The purpose of this Chapter is to implement Minn. Stat., § 473.173, as amended by Laws of 1976, ch. 321, § 2, which requires that the Metropolitan Council adopt and put into effect regulations establishing standards, guidelines and procedures for determining whether any proposed matter is of metropolitan significance. This chapter shall govern the review of all proposed matters alleged to be of metropolitan significance initiated pursuant to the above statute. It is the purpose of these regulations to assure that the total effect of a proposed matter of metropolitan significance is considered and the orderly and economic development of the area is promoted, thereby protecting the health, safety, and welfare of the residents of the area. A metropolitan significance review will be com-**

## PROPOSED RULES

pleted by the Council within ninety (90) days following commencement unless extended pursuant to these regulations.

MC 2 Standards for determining Metropolitan Significance. The following effects listed in paragraphs A. and B. are the exclusive standards for determining whether a proposed matter is of metropolitan significance. Unless exempted pursuant to these regulations, a proposed matter shall be determined to be of metropolitan significance if the Council finds that it may cause any of the following effects. Proposed matters which the Council finds will not result in one of the listed effects shall be determined to be not of metropolitan significance. The standards listed in paragraphs MC 2 A. and B. shall become effective immediately upon adoption of these regulations.

### A. Metropolitan system effects.

1. The discharge of fifty thousand (50,000) or more gallons of sewage per day and a substantial effect on a receiving public sewer facility or on the plans for such a facility contained in a metropolitan system plan.

2. A violation of or an amendment to a condition, relating to sewage effluent, contained in a National Pollution Discharge Elimination System Permit for the discharge of sewage effluent in the metropolitan area.

3. The construction of any public sewer facility in conflict with an approved local comprehensive sewer plan or a metropolitan system plan.

4. The generation of ten thousand (10,000) or more vehicle trips per day or one thousand (1,000) or more vehicle trips in any one hour and a substantial effect on a metropolitan transportation facility or on a plan for such a facility contained in a metropolitan system plan.

5. A substantial effect on the location, function, or practical service capacity of the whole or any segment of an existing metropolitan transportation facility or on a plan for such a facility contained in a metropolitan system plan.

6. A substantial effect on the location, size, function or character of:

a. An existing or proposed regional recreation open space designated in a metropolitan system plan whose boundaries are delineated in a metropolitan sys-

tem plan or a master plan approved by the Metropolitan Council pursuant to Minn. Stat., § 473.331, or

### b. The Minnesota Zoological Garden.

7. A substantial effect on the location, size, function, or character of an existing metropolitan airport, or an airport or airport site designated as a planned metropolitan airport facility whose boundaries are delineated in the airport chapter of the Metropolitan Development Guide or in an airport master plan which has been accepted by the Metropolitan Council.

8. The issuance of a land use permit in an outlying community for a critical development which could reasonably be expected to lead to:

a. The premature expansion, construction or extension of use in excess of capacity of a public sewer facility or a metropolitan transportation facility, or

b. The disruption of agricultural use in a commercial agricultural area.

B. Local governmental unit effect. A substantial effect on existing or planned land use or development within a local governmental unit other than the situs governmental unit.

### MC 3 Local comprehensive plans exemption.

A. When a local governmental unit has adopted a local comprehensive plan which has been approved by the Metropolitan Council pursuant to Laws of 1976, ch. 127, § 15, then a proposed matter sited in that local governmental unit shall be determined to be of metropolitan significance only if:

1. It causes the effects listed in Metropolitan Significance Standards MC 2 A. 2. or MC 2 B., or

2. The proposed matter is inconsistent with those elements of the local comprehensive plan which are subject to Council modification pursuant to Laws of 1976, ch. 127, and would result in the utilization, extension, or expansion of a metropolitan system plan in conflict with any metropolitan system plan or part thereof.

B. Prior to the adoption of a local comprehensive plan in accordance with Laws of 1976, ch. 127, § 15, and on the receipt of a petition from a local governmental unit having a comprehensive plan adopted prior to January 1, 1976, or an outlying community, the Council

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

## PROPOSED RULES

---

shall re-evaluate that comprehensive plan and assess its adequacy as a substitute for the standards set forth in MC 2. A. The Council may initiate such a review on its own motion absent the submission of a petition. Following re-evaluation, the Council may by resolution act to exempt proposed matters in all or part of that governmental unit from all or part of the metropolitan significance standards set forth in MC 2. A. and to apply the standards set forth in MC 3. A.

**MC 4 Categories of exempt matters.** Proposed matters within the following categories shall not be determined to be of metropolitan significance and shall be exempted from a significance review by the Chairman in accordance with MC 6 D. or by the Council in accordance with MC 8 B. or MC 10 C.

**A. Previous approval.** Any proposed matter of a metropolitan commission or the Metropolitan Airports Commission which is within an area(s) of commission operational authority or which has been or will be subject to approval by the Council as part of a metropolitan system plan; any proposed matter which has been previously approved by the Council in accordance with Minn. Stat., 1975 Supplement, § 473.167; or any proposed matter for which a final determination has been made pursuant to these regulations unless the proposed matter has been materially altered subsequent to the final determination.

**B. Exclusive comprehensive review.** Any proposed matter subject to review and approval pursuant to the Power Plant Siting Act, Minn. Stat., §§ 116C.51 to 116C.69, as amended.

**C. Emergency matter.** Any proposed matter which must be immediately undertaken to prevent or mitigate an emergency. In determining the existence of an emergency matter consideration shall be given to the probable consequences of the alleged emergency, the degree to which the alleged emergency circumstances were reasonably foreseeable, the availability of alternate means of alleviating the emergency, and the probable effect of the proposed matter in preventing or mitigating the emergency circumstances.

**D. Minor alterations.** Any proposed matter consisting exclusively of administrative or maintenance activity, or the transfer of ownership, or the operation, restoration, replacement, reconstruction, repair or minor alteration or addition to an existing public or private structure or facility, or to lands or waters within the metropolitan area which involves only a negligible expansion or change of use or use intensity.

**E. Vested rights.** Any proposed matter for which all applicable land use permits have been issued and on

which substantial construction has commenced prior to the initiation of a significance review and any proposed matter for which all applicable land use permits have been issued prior to the effective date of these regulations and on which substantial construction has commenced within six (6) months following the effective date of these regulations.

**MC 5 Initiation.**

**A. Initiators.** A significance review of any proposed matter may be initiated as follows:

1. Upon passage by the Council of a resolution adopting an order to commence a significance review, or

2. Upon the receipt of any of the following documents requesting a significance review which are accompanied by an adequate information submission:

a. A resolution from a situs governmental unit,

b. A resolution from an affected local governmental unit, school district or other independent commission.

c. A petition signed by at least five thousand (5,000) residents of the metropolitan area eighteen (18) years of age or older or that number of residents eighteen (18) years of age or older of an affected local governmental unit which equals or exceeds fifty percent (50%) of those persons who voted in that local governmental unit during the most recently held general election. The petition shall designate at least one and no more than three persons to act as initiators on behalf of the petitioner.

d. A resolution or letter from a duly authorized executive officer or governing body of an affected state agency.

e. A resolution or letter from a duly authorized executive officer or governing body of an affected sponsor.

f. A resolution from an affected metropolitan commission.

**B. Information submission.** An information submission from the initiator shall contain all information, fact and opinion within their knowledge bearing on the applicability of these regulations and the significance and effect of the proposed matter which contains at least the following:

1. The names and addresses of the initiator, the sponsor and the situs governmental unit(s);



## PROPOSED RULES

2. A description of the proposed matter including its planned character, location, function, use and size;

3. A statement of the standards contained in MC 2 which it is alleged caused the proposed matter to be of metropolitan significance, and a discussion of why it is not exempt pursuant to MC 3 or 4, including facts and opinion upon which such statement and discussion are based;

4. Information submissions accompanying resolutions or letters submitted pursuant to MC 5 A. 2. b, d, e, or f shall include a statement of affect containing a discussion of the alleged effect(s) the proposed matter will have on existing or planned land use or development, or on other responsibilities or activities of the submitter.

### MC 6 Commencement.

A. A significance review initiated by the Council shall commence on the day following the adoption by the Council of an order to commence a significance review.

B. Upon the receipt in accordance with MC 5 A. 2. of a resolution, petition, or letter of initiation, accompanied by an information submission, the Council Chairman shall immediately examine the material and determine if:

1. It complies with and satisfies the requirements contained in MC 5 A. and MC 5 B.; and

2. The significance review has been initiated in bad faith or is a sham, capricious, or frivolous initiation; and

3. The information submission transmitted in connection with matters initiated pursuant to MC 5 A. 2. b, d, e, or f, makes out an arguable claim (arguably demonstrates) that the existing or planned land use or development or responsibilities or activities of the submitter will be affected by the proposed matter; and

4. The proposed matter is exempt pursuant to MC 4.

C. In making the determinations required pursuant to MC 6 B., the Chairman may meet with the initiator, situs governmental unit and the sponsor and additional information may be requested and considered.

D. If the Chairman determines that the initiation complies with and satisfies the requirements, is not in

bad faith, presents an arguable claim, and is not exempt, he shall immediately commence the significance review by issuing an order for commencement effective as of the date of the receipt of the resolution, petition or letter of initiation and an adequate information submission. If the Chairman determines that the initiation does not comply with or satisfy the requirements, is in bad faith, does not present an arguable claim, or is an exempt matter, he shall determine not to commence a significance review and shall immediately inform the person(s) requesting the initiation, the situs governmental unit and the sponsor of that determination and the basis therefore. A statement that a determination not to commence a significance review has been made shall be published in the next following issue of the Council bulletin.

E. Person(s) requesting the initiation, the situs governmental unit, and the sponsor may appeal the Chairman's decision not to commence the significance review to the full Council by submitting a petition for review within seven (7) days following notification of the Chairman's determination. On appeal, the Council shall review the petition at a public hearing and may direct the issuance of an order for commencement.

F. Notice of the commencement of a significance review shall be served by the Council on the initiator, sponsor, situs governmental unit(s), adjacent governmental units, metropolitan commissions and the metropolitan land use advisory committee within five (5) days following the determination to commence a significance review. The notice shall contain the order for commencement, the initiating documents, the information submission or a summary thereof, and an order to the sponsor not to commence construction, and a schedule for the metropolitan significance review. Notice that a significance review has been commenced shall be published in the next following issue of the Council bulletin and when appropriate in the State Register.

### MC 7 Metropolitan Significance review.

A. Significance review committee. Immediately following the commencement of a significance review, the Chairman shall appoint a significance review committee composed of not more than seven (7) or less than three (3) individuals all of whom are members of the Council or the Metropolitan Land Use Advisory Committee. At least one Metropolitan Land Use Advisory Committee member and one Council member shall be appointed to all significance review committees.

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

## PROPOSED RULES

**B. Delegation to Hearing Examiner.** At any time prior to the commencement of the public hearing conducted pursuant to MC 7 I., the significance review committee may delegate its responsibility for the conduct of relevant portions of the significance review, including the public hearing, to a hearing examiner. A hearing held by a hearing examiner shall be conducted in accordance with the Regulations of the State Office of Hearing Examiners for Contested Cases, HE 201 to 222, as amended, to the extent such regulations are not inconsistent with the time periods and procedures specified in these regulations. The report of any hearing examiner appointed by the significance review committee shall be transmitted to the significance review committee. The significance review committee shall review the report and may adopt the report as the significance review committee findings and recommendations or consider it in adopting committee findings and recommendations pursuant to MC 7 L.

**C. Preliminary statement.**

1. The sponsor, initiator and situs governmental unit(s) shall and any other person may submit to the significance review committee or hearing examiner a preliminary statement containing information, facts and opinions bearing on the applicability of these regulations, the significance and effect of the proposed matter, and the appropriate remedy within twenty (20) days following the issuance of the order for commencement. In addition, the sponsor shall indicate all other governmental reviews and approvals required in connection with the proposed matter and their current status.

2. The sponsor, and situs governmental unit(s) shall submit to the significance review committee or hearing examiner all plans, and other information relevant to the significance review submitted by the sponsor to any local governmental unit required to approve the proposed matter and a copy of any findings, report or determination concerning the proposed matter of such governmental unit(s).

**D. Additional information.** Any party or person may voluntarily submit additional written information relevant to the significance review to the significance review committee or hearing examiner at any time, prior to the close of the public hearing record.

**E. Stipulated procedure.** Within no sooner than fifteen (15) days or later than thirty (30) days following the commencement of a significance review, the persons who are then parties to a significance review and the significance review committee may execute a stipulation prescribing a simplified procedure for the conduct of a significance review by the significance review committee. No stipulation may be executed with regard to a

significance review delegated to a Hearing Examiner. A stipulation procedure may address and modify requirements contained herein relating to additional information, discovery, the significance review report, public hearing procedures, and the transmission and service of notice, findings, and recommendations, reports, and other documents and communications. The stipulation procedure may not contain requirements or provisions inconsistent with statutory requirements and shall become effective only on the execution by all parties and significance review committee.

**F. Discovery.**

1. Discovery in connection with significance reviews conducted by a hearing examiner shall be governed by HE 214, as amended.

2. Upon the request of the significance review committee or Council, any party to a significance review shall furnish to the significance review committee or the Council any records, documents, or other data and information which the party may have that is relevant to the significance review under consideration and allow the significance review committee or Council or any member, employee, agent, or designee of the Council or the committee when authorized and upon the presentation of proper credentials to enter upon their property, premises or site of the proposed matter for the purpose of obtaining information or examining records or conducting surveys or investigations relevant to the significance review under consideration. Upon approval by the hearing examiner or the chairman of the significance review committee, any party may propound written interrogatories to any other party which shall be answered upon a schedule approved by the chairman or the hearing examiner.

3. Any person may examine and copy all records, documents, surveys, information, and other data relevant to a significance review under consideration which is in the possession of the significance review committee which has not been determined to be confidential pursuant to MC 10 J. and any party may request the voluntary disclosure and submission of information to him by any other party.

4. Upon the motion by a party, the significance review committee may order the discovery and production of any material or information relevant to the significance review which is not determined to be confidential pursuant to MC 10 J. Upon the failure of a party to reasonably comply with an order made pursuant to this rule, the significance review committee may order that the subject matter of the order for discovery or any other relevant fact shall be taken as established for purposes of the significance review in accordance

## PROPOSED RULES

with the claim of the party requesting the order or refuse to allow the party failing to comply with the order for discovery to support or oppose designated claims or defenses or prohibit him from introducing designated material into evidence.

G. Scope and review. The significance review committee may consider all standards set forth in MC 2 and MC 3 in connection with its significance review of a proposed matter, regardless of whether issue is raised in the information submission.

H. Significance review report. At least ten (10) days prior to the public hearing conducted by the significance review committee or the hearing examiner, the chairman of the Council shall have a written report prepared discussing all information then submitted with regard to the proposed matter. To the extent practicable, the Chairman of the Council shall hold a conference to discuss information received. Prior to the preparation of this report, notice of this conference shall be transmitted to all parties. The report shall be sent to all parties and made available for inspection and copying by any other person. Parties may submit statements concerning the contents of this report to the significance review committee at any time prior to the close of the record of the public hearing conducted pursuant to MC 7 I. This report shall be presented at the hearing held pursuant to MC 7 I., and its author(s) shall be subject to examination thereon. The report shall contain:

1. A discussion of all information submitted and collected concerning the proposed matter including the sources of such information, any inadequacies in the information and the reason therefor, and a list of all persons consulted and requested to submit information;

2. An objective description of the proposed matter, referencing and discussing disagreements regarding facts about the proposed matter;

3. An objective description of the proposed matter's possible consistencies and inconsistencies with and effect upon metropolitan system plans and effect(s) on other local governmental units; an objective discussion of disagreements regarding the facts as to the proposed matter's consistency and effect; and information regarding issues to be addressed at the public hearing;

4. A discussion of possible modifications to the proposed matter or to any metropolitan system plan(s) which could be made to eliminate inconsistencies or to alleviate adverse effects of the proposed matter;

5. A synopsis of any reports or findings of any other public agency relating to the proposed matter.

I. The significance review committee or a hearing examiner appointed by the committee, shall hold at least one public hearing concerning a proposed matter subject to a significance review following notice to all parties at which all parties and other persons shall be given an opportunity to speak and to present information on the applicability of these regulations, the significance of the proposed matter and the review remedy. Notice of this public hearing shall be published in the Council bulletin, served on all parties at least fifteen (15) days prior to the hearing, and if appropriate, published in the State Register and newspaper(s) of general circulation. Standing committees of the Council or the metropolitan land use advisory committee may hold meetings regarding the proposed matter and prepare and transmit such information, comment or recommendation to the significance review committee as they deem appropriate.

J. Public hearing procedures. Public hearings held pursuant to MC 7 I. shall be conducted in a manner designed to protect the rights of all persons and parties and ensure fundamental fairness. Public hearings conducted by a hearing examiner shall be governed by HE 201 to 222, as amended. The following procedures shall govern public hearings conducted by the significance review committee:

1. Only evidence formally presented to the significance review committee shall be considered in making the findings and recommendations of the significance review committee.

2. All evidence received shall be submitted under oath and made a part of the record.

3. All witnesses shall be subject to cross examination by the parties, the significance review committee and the Council.

4. The chairperson of the significance review committee may, on the request of any party or on his/her own initiative, limit the amount and scope of direct and cross examination and presentation.

5. All hearings shall be transcribed or tape-recorded.

K. Burden of proof. The burden of proof as to any issue of fact in a significance review shall be by a pre-

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

## PROPOSED RULES

ponderance of the evidence, and the obligation to satisfy the initial burden of proof on any such issue shall be that of the party asserting that fact. Proposed matters determined by the situs governmental unit to be consistent with the local comprehensive plan adopted pursuant to Laws of 1976, ch. 127, § 15, or accepted pursuant to MC 3 B. shall be presumed to present no substantial conflict with the metropolitan system plan.

L. Committee findings and recommendation. Following the public hearing and the receipt of the report of the hearing examiner, if any, the significance review committee shall adopt a committee report regarding the proposed matter which shall contain the following:

1. A recommendation that:

a. The proposed matter is exempt pursuant to MC 4 , or that the proposed matter does not cause the effect set forth in any of the standards contained in MC 2 or MC 3 , as applicable, or that the proposed matter is not of metropolitan significance; or

b. That the regulations are applicable, that the proposed matter satisfies one or more of the standards in MC 2 or MC 3 , as applicable, and that the proposed matter is of metropolitan significance; or

c. That based on the lack of adequate supporting information, the significance review should be suspended at this time.

2. A statement of the standards and exemptions considered in the significance review of the proposed matter.

3. An identification of the metropolitan system plans or parts thereof or adverse effects on another local governmental unit which were considered by the significance review committee.

4. Findings concerning the applicability of the regulations and the effects of the proposed matter in relation to the standards.

5. A recommendation as to the remedy which the Council should adopt with regard to the proposed matter.

M. Transmission and service of findings and recommendation. The findings and recommendation of the significance review committee shall be served on all parties and immediately transmitted to the Council. All information and material considered by the significance review committee shall be made available to Council members in accordance with Council procedure.

MC 8 Council determination.

A. The Council shall consider the committee findings and recommendations and all information submitted during the significance review prior to the close of the public hearing. The Council may hold additional meetings to consider the proposed matter or direct the significance review committee to engage in further specific significance review activity.

B. Following consideration of the findings and recommendations, the Council shall by resolution adopt a final determination with regard to each proposed matter subject to a significance review. The final determination shall be transcribed in writing and shall contain findings and conclusions supporting the Council determination. The final determination shall contain the following:

1. A determination that the proposed matter is exempt pursuant to MC 4 , or that the proposed matter does not cause the effects set forth in any of the standards contained in MC 2 , and that the proposed matter is not of metropolitan significance; or

2. That the regulations are applicable, that the proposed matter will cause one or more of the effects set forth in MC 2 , and that the matter is of metropolitan significance.

C. In the event that the Council determines that the proposed matter is of metropolitan significance, the Council's final determination shall, in addition, contain the following:

1. A determination as to whether the procedure to amend a metropolitan system plan should be instituted to ensure consistency of the proposed matter with such plans together with a general statement regarding the necessary amendment; and/or

2. An order suspending commencement of construction on the proposed matter for a specified period of time which may not exceed a period of one year from the date of the final determination. An order of suspension may also contain conditions or modifications to the proposed matter which if complied with would cause the Council to eliminate the suspension in accordance with MC 10 G., including but not limited to measures which would:

a. Minimize effects upon metropolitan system plans or on another local governmental unit including changes in the type and intensity of use or the location, magnitude or design of the proposed matter, and/or

b. Control the timing and sequence of the proposed matter, including the dates for commencement and completion.

## PROPOSED RULES

3. A determination that the matter is of metropolitan significance but not appropriate for the exercise of the power of suspension or amendment.

D. Service, determination. Copies of the final determination shall be served upon all parties within seven (7) days following its adoption.

### MC 9 Termination, suspension, time change.

A. Bad faith. The Council may dismiss with prejudice the significance review of any proposed matter which it finds has been initiated in bad faith, or which is a sham, capricious, or frivolous case. No such determination shall be made without allowing the parties to hear, rebut, and present evidence regarding the same.

B. Withdrawal of review. At any time during the conduct of a significance review, the initiator or sponsor may petition the Council to withdraw the proposed matter from significance review, setting forth the reasons for such a request. The Council may, by resolution, grant such a petition and allow a proposed matter to be withdrawn from significance review only in the event that the withdrawal does not adversely affect the right of any party.

C. Settlement. The parties to a significance review may execute an agreed settlement with regard to any proposed matters subject to a significance review at any time prior to the issuance of a final determination. Such an agreement shall be in writing, signed by all parties, and shall be subject to Council acceptance or rejection.

### D. Suspension.

1. The Council may suspend a significance review for not more than ninety (90) days to await the decision of another public agency which is required by law to review the proposed matter. In the event that such public agency denies authorization for the proposed matter, the Council may, by resolution, dismiss the metropolitan significance review.

2. The Council may suspend a significance review to await the production of adequate supporting information.

3. The sponsor and initiator may agree to suspend any of the time periods specified for a significance review. Such an agreed suspension must be approved by the significance review committee.

### MC 10 General review provisions.

A. Time periods. As used in this chapter, a specified number of days refers to calendar days provided that where the final day of the time period falls on a weekend or holiday, the period shall be extended to the next immediate working day.

B. Implementation hold during review period. No person shall commence construction or other activity on a proposed matter after the commencement of a metropolitan significance review and until the Council's issuance of a final determination concerning the proposed matter or the expiration of the significance review period, whichever occurs first.

C. Letter of interpretation. The Council may, by resolution, on the petition of any person prior to the commencement of a significance review, or on its own initiative at any time, issue a letter of interpretation with regard to the meaning and effect of any provision in these regulations as to any proposed matter. A letter of interpretation may determine that a matter is exempt pursuant to MC 3 or 4 or that a proposed matter is not of metropolitan significance because it would not result in the threshold generation required by MC 2 A. 1. and 4., or that a proposed matter is not a critical development or within the commercial agricultural area as required by standard MC 2 A. 8. A letter of interpretation may not determine the consistency or effect of a matter with regard to any metropolitan significance standard contained in MC 2 or adopt the remedies specified in MC 8 C. The Council shall determine whether to issue such a letter only following consideration of the request at a public hearing, notice of which shall be published in the Council bulletin at least thirty (30) days in advance of the meeting. The Council may request the submission of appropriate information from any person requesting a letter of interpretation, and from all other potentially interested persons. A letter of interpretation shall be binding on all persons and parties including the Council and may prevent the initiation of a metropolitan significance review.

D. Review coordination. The Council may by order direct the coordination of a significance review with the review of a proposed matter being conducted pursuant to the Environmental Impact Statement review process, Minn. Stat., § 116D.04, as amended, or the Critical Areas Act, Minn. Stat., ch. 116G, as amended. To this end, the Council may enter into a joint agreement with the Minnesota Environmental Quality Council enabling

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

## PROPOSED RULES

---

the Council or a joint panel to conduct a coordinated review of any proposed matter subject to a metropolitan significance review.

**E. Multiple or phased proposed matter.** A multiple or phased proposed matter is one which is divided into separate stages or segments, one or more of which, or the totality of which may be of metropolitan significance. Significance review of a multiple or phased proposed matter may, at the discretion of the Council, consider the total project or any separate independently viable stage or segments. In determining independent viability, the Council shall consider whether the particular stage is viable without subsequent development, the extent of the interrelationship between the stage and subsequent development and whether the stage would foreclose modifications to ameliorate a metropolitan system effect. Any significance review of a separate stage or segment of such a proposed matter shall be without prejudice to the subsequent significance review of other future stages or segments.

**F. Material alteration.** Any proposed matter which has been materially altered subsequent to a final determination pursuant to these regulations may be subject to a new significance review pursuant to these regulations. Any party to a previous significance review of the proposed matter, and any person eligible to initiate a metropolitan significance review, may petition the Council to make a determination of whether a proposed matter has been materially altered subsequent to a previous significance review. Such a determination shall be made after appropriate notice to all persons who were parties to the previous significance review and following opportunity to hear, present, and rebut evidence regarding the material alteration.

**G. Elimination of suspension.** The sponsor of any proposed matter suspended by a final determination may petition the Council at any time following service of the final determination to consider the elimination of the suspension because of compliance with conditions or modifications contained in the final determination. The petition for consideration shall be accompanied by an affidavit of the sponsor certifying compliance with the conditions or modifications contained in the determination. The Council shall consider each such petition but may refuse to consider the elimination for good cause. In the event that the Council determines to consider the petition, the Council shall schedule a public hearing for the purpose of such considering the elimination and shall notify all parties to the significance review of such hearing at least fifteen (15) days in advance. All parties or other persons may present information, fact, and opinion, concerning the compliance with the conditions or modifications contained in the final determination.

**H. Right to counsel.** Any party may be represented by legal counsel during a metropolitan significance review.

**I. Retention and availability of information.** All non-confidential information or copies of the same submitted by any person or party, and the hearing record, staff reports and determinations made by the significance review committee, hearing officer, if any, or the Council in connection with a metropolitan significance review shall be kept on file at the Council for a period of at least three (3) years following the completion of a significance review and shall be available during the period of review to any person or party for review, inspection, and copying at the Metropolitan Council offices during normal business hours.

**J. Confidential information.** The sponsor or initiator of a significance review may identify certain information as confidential and decline to submit such information or request by letter either containing such information or specifying the nature of the subject information, the justification for the request for confidential treatment and a certification in writing that substantially identical information is not available to the public, that the hearing officer or chairman of the significance review committee certify that the material is confidential. Material which is confidential and confidential business information may be certified by the chairman of the significance review committee or hearing officer as confidential. Material certified as confidential shall be retained by the chairman only for the duration of the significance review, be examined only by the significance review committee and hearing examiner and shall not be introduced, disclosed or otherwise made available to the public for examination, inspection or copying unless expressly permitted by the party claiming its confidentiality. A letter requesting the certification of information as confidential shall be supported by a certification in writing under oath that substantially identical information is not available to the public or by an opinion of counsel for the party claiming confidentiality certifying as to the basis of such confidentiality.

**K. Severability.** The provisions of this chapter are severable and if any section, subsection, clause, sentence, paragraph or other provision of these regulations is held invalid for any reason, such invalidity shall not affect this chapter as a whole or the validity of any other section, subsection, clause, sentence, or other provision which can be given effect without the invalid provision.

**L. Judicial review.** The judicial review of any final decision made pursuant to these regulations shall be conducted in accordance with the provisions of the Administrative Procedures Act, Minn. Stat. § 15.0424 to 15.0426, as amended. A final determination adopted by

## PROPOSED RULES

the Council pursuant to MC 8 B., a determination by the Council not to commence a significance review pursuant to MC 6 E., and a letter of interpretation issued pursuant to MC 10 C., which precludes a significance review constitute final decisions by the Council for purposes of judicial review.

### MC 11 Definitions.

A. As used in this chapter, the following terms shall have these meanings:

1. "Adjacent governmental unit" means all local governmental units and independent commissions whose jurisdiction includes or adjoins, in whole or in part, that of the situs governmental unit(s).

2. "Adopted comprehensive sewer plan" means a comprehensive sewer policy plan submitted to and approved by the Metropolitan Waste Control Commission in accordance with Minn. Stat., § 473.513 which has been adopted by the submitting local governmental unit.

3. "Metropolitan Land Use Advisory Committee" or "Advisory Committee" means an advisory committee established by the Metropolitan Council pursuant to Laws of 1976, ch. 127, § 3.

4. "Airport master plan" means a land use and development plan for an airport containing descriptions of at least the following: the real property comprising the airport, aircraft noise zones, and airport air space zones.

5. "Commercial-agricultural area" means a land area within the commercial-agricultural territories delineated in the development Framework Chapter of the Metropolitan Development Guide which the Council determines because of the predominant land use pattern and/or locally adopted plans and ordinances, is land used primarily for the growing and/or production of field crops, livestock, and livestock products for the production of income.

6. "Comprehensive plan" or "local comprehensive plan" means a comprehensive plan for a county adopted pursuant to Minn. Stat. § 394.23, a comprehensive plan for a municipality adopted pursuant to Minn. Stat., § 462.355, and a comprehensive plan for a town adopted pursuant to Minn. Stat., § 366.14 or other enabling law.

7. "Chairman" means the chairman of the Metropolitan Council.

8. "Construction has commenced" means to have engaged in a continuous program of construction or development activity including site clearance, excavation, grading, dredging, or land filling in preparation for the erection, establishment or placement of a proposed matter. Interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the sponsor shall be considered in determining if the construction program is continuous.

9. "Critical development" means the division of land into three (3) or more parcels or lots which, if totally occupied by dwelling units, would result in a density of greater than forty (40) units per square mile in any section, or portion thereof in the rural service area, in any section within which a parcel or lot is located; or the construction or placement of dwelling units in previously platted or unplatted areas which would result in the same density; or the construction or establishment of a residential, commercial, or industrial use for which a new national pollution discharge elimination system or state disposal system permit must be issued.

10. "Council bulletin" means a newsletter published by the Council at least once a month, containing a summary of previous Council actions and upcoming Council meetings, Council hearings, and other matters.

11. "Independent commission, board or agency" means governmental entities with jurisdictions lying in whole or in part within the metropolitan area, including independent or special school districts whose administrative offices were located within the metropolitan area as of April 15, 1976, but not including the metropolitan commissions.

12. "Initiator" means any person requesting the initiation of a metropolitan significance review pursuant to MC 5 A., herein.

13. "Land use permit" means a building permit, final plat approval, zoning amendment, special or conditional use permit, subdivision or planned unit development permit or variance.

14. "Local government unit" or "unit" means any city, town or county located in whole or in part within the metropolitan area.

15. "Metropolitan area" means the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

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

# PROPOSED RULES

16. "Metropolitan commission" means the Metropolitan Waste Control Commission, the Metropolitan Transit Commission, and other such commissions as the legislature may hereunder designate.

17. "Metropolitan council" or "council" means the Metropolitan Council established by Minn. Stat. § 473.123.

18. "Metropolitan significance review" or "significance review" means a review conducted by the Metropolitan Council pursuant to these regulations.

19. "Metropolitan system plans" means the airports portion of the Metropolitan Development Guide and the policy plans, development programs and capital budgets for metropolitan waste control, transportation and regional recreation open space.

20. "Metropolitan transportation facility" means transit facilities and routes owned, operated, or constructed by the Metropolitan Transit Commission, and principal and intermediate arterial roads, highways, freeways, and interchanges thereon designated as part of the metropolitan highway system in the transportation policy plan adopted pursuant to Minn. Stat., § 473.146, subd. 3.

21. "Outlying communities" are:

## In Anoka County

Andover	Ham Lake
Bethel	Lino Lakes
Blaine	Linwood Township
Burns Township	Oak Grove Township
Centerville	Ramsey
Columbus Township	St. Francis
East Bethel	

## In Carver County

all local government units

## In Dakota County

Castle Rock Township	Marshan Township
Coates	Miesville
Douglas Township	New Trier
Empire Township	Nininger Township
Eureka Township	Randolph
Farmington	Randolph Township
Greenvale Township	Ravenna Township
Hampton	Rosemount
Hampton Township	Sciota Township
Hastings	Vermillion
Inver Grove Heights	Vermillion Township
Lakeville	Waterford Township

## In Hennepin County

Brooklyn Park	Maple Grove
Champlin	Maple Plain
Corcoran	Medina
Dayton	Minnetrista
Greenfield	Orono
Hassan Township	Plymouth
Hanover	Rockford
Independence	Rogers
Loretto	St. Bonifacius

## In Ramsey County

no local government units

## In Scott County

all local government units

## In Washington County

Afton	Lakeland Shores
Bayport	Marine
Baytown Township	May Township
Cottage Grove	New Scandia Township
Denmark Township	Oakdale
Dellwood	Oak Park Heights
Grey Cloud Township	St. Croix Beach
Forest Lake	St. Mary's Point
Forest Lake Township	Stillwater
Hugo	Stillwater Township
Lake Elmo	West Lakeland Township
Lakeland	Woodbury

The entire jurisdiction of the above listed local governmental units shall be considered an outlying community unless and until an exemption is specifically authorized in accordance with MC 3 B.

22. "Party" means the initiator, sponsor, and situs governmental unit(s) and any person whose legal rights, duties or privileges may be substantially affected by a significance review who is admitted as a party by the significance review committee, hearing examiner or Council. The Council shall not be a party to a significance review except when it initiates the review pursuant to MC 5 A.1.

23. "Person" means any individual, association, trust, partnership, joint venture, public or private corporation, the Metropolitan Council, a metropolitan commission, a local governmental unit, an independent commission, state agency, or any government or governmental subdivision unit, or agency other than a court of law.

24. "Petition" means a document containing signatures submitted to the Council pursuant to MC 5 A.



## PROPOSED RULES

2 c., which contains, at the time that such signatures are placed thereon, a description of what the petition is for, a reference to these regulations, and a brief summary of the reason for the petition.

25. "Proposed matter" means a project or action involving the construction, installation, establishment, siting, demolition, reconstruction, or improvement of any structure or facility, or the subdivision or drilling, extraction, clearing, excavation or other alteration of any lands or waters, planned or proposed to be undertaken, by any person in whole or in part within the metropolitan area.

26. "Public agency" means a local governmental unit, metropolitan commission, independent commission, state agency, or any government or governmental subdivision, unit or agency other than a court of law.

27. "Public sewer facility" means sewage collectors, trunklines, interceptors, treatment works and other sewage collection and treatment facilities owned, constructed, or operated by a public agency.

28. "Review period" means the ninety (90) day period for a metropolitan significance review which begins on the effective date of an order to commence a significance review issued pursuant to MC 6 and automatically terminates on the ninetieth day following unless a suspension of the review period is authorized pursuant to these regulations.

29. "Service" or "serve" means personal service or service by first class U.S. mail, postage prepaid and addressed to the person or party at his last known address. Service by mail shall be complete upon the placing of the item to be served in the mail.

30 "Sewage effluent" means treated sewage.

31. "Situs governmental unit" means the local governmental unit(s) within which a proposed matter will be located.

32. "Sponsor" means any person proposing to undertake or develop a proposed matter.

33. "State agency" means the State of Minnesota or any agency, board, commission, department, or educational institution thereof.

34. "Substantial" is a relative term, the meaning of which is to be gauged by all the circumstances sur-

rounding the transaction, in reference to which the expression has been used. It imports a considerable amount or value in opposition to that which is inconsequential or small, something serious as opposed to trivial, something essential, material or fundamental.

35. "Substantial effect" as used in MC 2 A. means an effect which is substantial in nature including, but not limited to, one which would result in:

a. The utilization or loading of any part of a metropolitan system beyond a safe, healthy, or efficient planned, operating or allocated capacity; or

b. A physical or operational modification of any part of a metropolitan system to enable it to function in a safe, healthy, and efficient manner; or

c. The preemption of land planned for future use by a metropolitan system; or

d. A proposed use in conflict or incompatible with the physical or operational plans for a metropolitan system.

36. "Vehicle trip" means a one-way journey by motorized vehicular means between two points.

## Board of Nursing Nursing Assistant Training Programs for Employees of Nursing Homes

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Thursday, March 31, 1977, 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 Steve Mihalchick, Hearing Examiner, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota

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

## PROPOSED RULES

(Telephone: 296-8115) either before the hearing or within twenty (20) days after the close of the hearing.

A copy of the proposed rules is attached hereto and made a part hereof. Additional copies will be available at the door on the date of the hearing. The Agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 15.0412 (Supp. 1975) and Laws of 1976, ch. 310. A "Statement of Need" explaining why the agency feels the proposed rules are necessary and a "Statement of Evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

JOYCE M. SCHOWALTER, R.N.  
Executive Secretary

### Rules as Proposed

#### Chapter One: General Provisions

##### Nsg NA 1 Purpose, scope, and definitions.

**A. Purpose of rules.** The purpose of these rules is to provide:

1. a process for reviewing and approving curricula which may be used for nursing assistant training programs for employees of nursing homes, and
2. criteria which curricula must meet in order to receive approval, and
3. categories of nursing assistants who are not required to comply with the educational requirements of Minn. Stat. §§ 144A.61 through 144A.611 (1976).

**B. Scope.** A nursing assistant training program includes more than curriculum, for example, selection, progression and evaluation of students, determination of a ratio of students to instructors, establishment of instructor qualifications, and determination of a ratio of classroom to clinical practice time. These rules relate only to approval of a curriculum which may be used as the basis for a program.

These rules do not cover all of the knowledge and skills that a nursing assistant employed by a nursing home or any other facility or agency providing nursing service may be expected to possess. Rather, they cover criteria for approval of a curriculum which imparts the basic knowledge, skills and the attitudes which are deemed by the board to be minimally necessary to be held by nursing assistants employed in nursing homes in order to protect the health and welfare of nursing home residents.

#### C. Definitions.

1. "Board" means the Minnesota Board of Nursing.

2. "Curriculum" means the aggregate of courses of study and planned learning activities designed to enable nursing assistants to acquire the knowledge and ability to perform those services necessary for employment in nursing homes.

3. "Direct patient care services" means those acts of helpful activity performed on or with an individual who is a nursing home resident and without an intervening agent.

4. "Full approval" means the approval status conferred by the Board on a curriculum following implementation which meets all rules herein and demonstrated that the implementation resulted in the training of nursing assistants with the knowledge, skills, and attitudes outlined in Nsg NA 11.

5. "Nursing assistant" means a nursing home employee, including a nurse's aide or orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse.

6. "Other educational authorities" as referenced in Minn. Stat. § 144A.61, subd. 5 (1976) means:

a. schools which have registered with the Minnesota Higher Education Coordinating Board in accordance with Minn. Stat. § 136A.63 (1975), or

b. schools which have received a license from the Commissioner of Education in accordance with Minn. Stat. § 141 (1974), or

c. administrative boards of statewide jurisdiction which have the power to approve the operation of educational institutions, for example, Board of Education, Board for Community Colleges, State University Board, University of Minnesota Board of Regents.

## PROPOSED RULES

7. "Proposer" means the educational authority submitting the curriculum proposal to the board for review.

8. "Provisional approval" means the temporary approval status conferred by the board on a curriculum prior to implementation if, in the opinion of the board, the proposed curriculum when implemented will produce trained nursing assistants with the knowledge, skills and attitudes outlined in Nsg NA 11. A provisionally approved curriculum must be implemented and meet all rules herein before receiving full approval status.

9. "Report" means the written document prepared by the reviewer for submission to the Board containing the reviewer's recommendations and opinions and the facts upon which the recommendations and opinions are based.

10. "Reviewer" means an agent of the Board who has the responsibility of reviewing applications and all related materials submitted by proposers and preparing a report for submission to the board and carrying out any other activity not inconsistent with these rules regarding the application process.

11. "Rules herein" means Nsg NA 1 through 30.

**Nsg NA 2 Qualification of proposers.** The proposer who submits an application on the grounds that the proposer is an educational authority as defined in Nsg NA 1 C.6.a. shall submit written proof.

**Nsg NA 3 Exempt categories.** The following categories of nursing assistants shall not be required to comply with the educational requirements of Minn. Stat. §§ 144A.61 through 144.611 (1976):

A. Nursing assistants who began employment in a nursing home on or before June 30, 1977, and who continue employment in the same nursing home in which they were employed on June 30, 1977, and who are not exempt under the other subsections of Nsg NA 3.

B. Nursing assistants who have successfully completed on or after July 1, 1976, a training program for nursing assistants employed in nursing homes which was approved by an agency in another state equivalent to the board of nursing, state department of education, or state department of health.

C. Nursing assistants who have successfully completed between July 1, 1976, and July 1, 1977, a training program for nursing assistants employed in nursing homes which was conducted by an educational authority as defined in Nsg NA 1 C.3.

D. Nursing assistants who have successfully completed a state-approved nursing education program which prepares for licensure as a registered nurse or licensed practical nurse, if completion occurred no more than five calendar years prior to employment.

E. Nursing assistants who were employed in a nursing home on July 1, 1977, but terminated employment after July 1, 1977, either voluntarily or involuntarily, and became re-employed in the same or a different nursing home and whose first working day of re-employment occurred within 190 calendar days after the last working day of the previous employment.

This subsection shall expire on July 1, 1980.

Nsg NA 4-10 Reserved for future use.

Chapter Two: Curriculum

Nsg NA 11 Curriculum.

A. All information submitted to the board for the purpose of assisting the board in reviewing and approving a curriculum proposal shall be in a written form.

B. The proposer shall be able to demonstrate that at least one nursing home resident and one nursing assistant employed in a nursing home participated in drafting the curriculum proposal. Such participation may include but need not be limited to membership on and attendance at an advisory task force.

C. The curriculum shall be organized into units so that the application may be considered in segments. The board shall approve only those parts of a curriculum to which these rules are related and no more. However, no curriculum shall be approved until all segments comply with the rules herein.

D. The curriculum shall provide opportunities for a student to demonstrate that he/she possesses the knowledge, skill and attitudes required to successfully complete each unit before enrollment in each unit. By such demonstration, a student could challenge all or portions of the curriculum and, if successful, would be exempt from participating in the usual classwork.

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

## PROPOSED RULES

E. A curriculum shall show evidence that it:

1. is based upon a philosophy which values persons as individuals with unique abilities, and supports actions designed to assist persons to maintain a high level of physical and psychosocial functioning, prevent premature loss of functioning and restore losses such that the individual resident can function at his/her highest possible level. Such evidence shall include but need not be limited to a statement of philosophy, written objectives based upon that philosophy and evaluation methods used to determine whether or not the students met the objectives.

2. includes content in both the physical and psychosocial aspects of the nursing care of residents. The physical aspects shall include nourishment and elimination, comfort and safety, physical activity and exercise, observation and communication. The psychosocial aspects shall include concepts of individuality, options of choice, rehabilitation, independence, identity, growth, motivation, communication, adaptation, sexuality, cultural influence and religious belief.

F. The proposer shall write objectives of a curriculum which objectives shall be submitted to the board. These objectives shall be designed so as to insure that the student who successfully completes the curriculum will have a knowledge of all of the following:

### 1. Organization, regulation and function

a. rights of residents as specified in state and federal laws, rules, and regulations governing nursing homes.

b. statutes, rules and regulations (federal, state and local) which directly effect the functioning of nursing assistants.

c. how the provision of care is organized in nursing homes and the roles and relationships of all members of the interdisciplinary team in the facility.

d. how the nursing assistant functions as a member of the interdisciplinary team which assesses, plans, implements and evaluates resident care.

### 2. Physiological aspects of care

a. gross anatomy of the human body to the extent that the nursing assistant is able to correctly identify body systems and state the location of major body organs.

b. correct standing, sitting, and lying alignment and positioning of head, body and extremities.

c. names and symptoms of common developmental disabilities and physical conditions which residents frequently have.

d. basic human needs, psychological and physical, how to recognize the needs which are of particular importance to residents and techniques commonly used by residents and staff to meet such needs.

e. purpose and importance of bowel and bladder training and foot care.

f. how to apply the knowledge and skills included in Nsg NA 11 F. and G. to the particular physical, mental, psychological and social situation of a resident.

### 3. Psychosocial aspects of care

a. psychosocial aspects of aging and the ability to recognize and report the needs which are of particular importance to residents and techniques commonly used by staff to meet such needs.

b. importance of respecting individuality and common ways of supporting a resident's unique self expression including cultural influences and religious preference.

c. methods of communication, verbal and non-verbal, commonly used by residents, families and staff.

d. techniques used by nursing assistants to assist residents with orientation to reality.

e. the process of dying and death and the grieving process.

G. The proposer shall write objectives of a curriculum which objectives shall be submitted to the Board. These objectives shall be designed so as to insure that the student who successfully completes the curriculum will be able to perform all of the following acts, tasks or functions:

### 1. Nourishment and elimination

a. provide food and fluids, including preparation for the meal, serving the tray, assisting the resident with eating to the extent needed, and encouraging adequate intake.

b. provide for elimination needs, including use of the bedpan, urinal and commode, collect urine and stool specimens, and assist resident with use of toilet to the extent needed.

c. observe, measure and record weight of resi-

## PROPOSED RULES

dent, food and oral fluid intake, output of urine and stool.

### 2. Comfort and safety

a. practice basic medical asepsis to prevent the transfer of infection, using correct handwashing technique and clean supplies and equipment.

b. provide or assist residents with personal care to the extent necessary, including bathing, skin care, genitalia care, toileting, dressing, oral hygiene, care of dentures, eye glasses, hearing aids and other prosthetic devices, care of hair and nails, shaving and use of support garments.

c. maintain clean, dry, comfortable and pleasant environment, including changing bed linen, adjusting light and temperature conditions, monitoring heat and cold applications, using comfort devices such as pads, foot boards, cradles and alternate pressure mattresses, providing periodic special skin care for the individual with limited mobility and creating a cheerful atmosphere in resident rooms.

d. provide for resident protection and safety, including use of side rails and restraining devices, adjustment of bed height, assisting resident with smoking when necessary and recognizing and removing environmental dangers.

e. provide adequate compensation for visual changes such as allowing adequate accommodation to light and dark, proper direct light, decreased glare and use of bright colors.

f. provide adequate compensation for diminished hearing such as increased use of low decible sound levels, speaking directly to residents and decreasing extraneous noise during conversations.

### 3. Physical activity and exercise.

a. assist with ambulation to the extent needed, including supporting an individual who is walking, assisting with the use of a walker, cane, wheelchair, and other mechanical aids and supports.

b. transfer individuals between bed and wheelchair, bed and stationary chair, and wheelchair and stationary chair using assistive devices and proper body mechanics.

c. maintain optimum joint functioning by placing flexible joints in proper positions and body parts in proper alignment and assisting the resident to flex joints in as complete a normal range of motion as possible.

d. move residents who are lying in bed, using proper body mechanics and turning techniques.

### 4. Observation and Communication

a. take and record a resident's temperature (orally, rectally and by axilla), radial pulse and respiration rate.

b. watch for and report changes in a resident's usual mental status, physical condition or behavior.

c. observe, recognize and describe orally the needs of residents which relate to vision, hearing, eating, elimination, breathing, skin conditions and other activities of daily living.

d. record accurately all activities carried out for or with the resident by the nursing assistant.

e. communicate with residents using appropriate terminology, manner of speech and non-verbal techniques.

H. The proposer shall write objectives of a curriculum, which objectives shall be submitted to the board. These objectives shall be designed so as to insure that the student who successfully completes the curriculum will possess all of the following attitudes:

1. respect, especially of human life and individuality.

2. sensitivity, especially to the needs and feelings of residents and families.

3. awareness, especially of the nursing assistant's feelings toward residents and his/her affect upon residents.

4. acceptance, especially of feelings and behavior displayed by residents which differ from those of the nursing assistant.

5. willingness to help others.

6. patience, gentleness, concern and sincerity.

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

## PROPOSED RULES

---

7. encouragement, optimism, hopefulness and realism.

8. accountability, especially for one's own actions.

1. The proposer shall submit a written description of methods by which the program shall evaluate student achievement to determine whether or not objectives of the curriculum were satisfied or fulfilled. Such methods shall include but need not be limited to the following:

1. For evaluating achievement of knowledge objectives: paper and pencil tests.

2. For evaluating achievement of skill objectives: direct observation of a student's performance using written statements of behavior which indicate satisfactory performance.

3. For evaluating achievement of attitudinal objectives:

a. paper and pencil tests, or

b. direct observation of a student's performance using written statements of behavior which would indicate possession of the attitude.

Nsg NA 12 Changes in a curriculum.

A. The educational authority shall notify the board in writing of any changes in an approved curriculum which when implemented would result in deletion or modification of previously approved content.

B. Changes in a curriculum as specified in Nsg NA 12 A. shall be proposed as in Nsg NA 21 and shall be reviewed in accordance with the procedure outlined herein.

Nsg NA 13-20 Reserved for future use.

Chapter Three: Review and Disposition of Applications

Nsg NA 21 Review of applications.

A. Proposers shall submit an application on forms supplied by the board which shall include a copy of the proposed curriculum and the information requested.

B. Each application shall include:

1. name and address of the proposer.

2. name, title, address, and telephone number of the individual responsible for submitting the application.

3. name, title, address, and telephone number of the individual responsible for implementing the curriculum, if known.

4. written evidence that the proposed curriculum meets the rules as defined herein.

C. At least four weeks prior to a board meeting at which the proposer seeks to have the application considered, the application, curriculum, and all information in support of the application must be received by the reviewer.

D. The information received shall be reviewed and a report prepared by an agent of the board.

1. The report shall include, but need not be limited to, the following information:

a. an opinion as to whether or not the proposer qualifies as an educational authority as defined herein and the facts upon which the opinion is based, and

b. the reviewer's recommendation to the board as to the type of action which the reviewer feels is appropriate for the board to take and the facts upon which that recommendation is made.

2. If the reviewer concludes that the proposer does not qualify as an educational authority as defined herein, the reviewer need not review the curriculum as submitted until the board has ruled on the matter.

E. If the information received appears to the reviewer to be incomplete, insufficient, incorrect, unclear or in any other way does not appear to meet the rules, the reviewer shall apprise the proposer in writing of those areas in which information is deficient and shall request that the proposer submit supplementary written information. If the proposer believes that the information is sufficient and does not choose to submit further information, the proposer may request the reviewer to submit the report to the board.

F. If the report includes any recommendation other than approval of the application, the reviewer shall forward the report to the proposer at least 30 calendar days prior to the board meeting at which the board shall act upon the application unless the proposer waives this requirement in writing. If the report includes a recommendation of approval of the application, the reviewer shall forward the report to the proposer once the report is complete and prior to the board meeting at which the board shall act upon the application.

G. The proposer has the right to withdraw an appli-

## PROPOSED RULES

ation for approval at any stage of the proceedings prior to final board action.

H. Each proposer may address the board concerning the application at the board meeting at which the application is submitted for action.

1. A proposer has the right to submit materials to be distributed to the board contesting the reviewer's report. Such information must relate to the reviewer's recommendation as based on information already supplied and must be submitted to the reviewer at least 15 calendar days prior to the board meeting at which the board shall act upon the application.

2. Information which amends materials already supplied and which could result in a revised reviewer's recommendation should be submitted to the reviewer under Nsg NA 21 E. and shall not be distributed to the board until the reviewer has had a reasonable opportunity to consider it.

Nsg NA 22 Disposition of applications.

A. The board shall inform each applicant in writing of the action taken with respect to the proposed curriculum. The types of actions which may be taken include, but need not be limited to, the following:

1. Provisional approval of curriculum as proposed.

a. Applications submitted to the board shall be granted provisional approval if, in the opinion of the board:

(1) the proposed curriculum when implemented will produce trained nursing assistants who possess the knowledge, skills, and attitudes outlined in Nsg NA 11, and

(2) the application meets all other rules herein.

b. Provisional approval shall be in effect no longer than six calendar months from the day on which the curriculum is first implemented unless an application for full approval has been received within six calendar months from the day on which the curriculum was first implemented.

c. Provisional approval shall expire by lapse of time in the event that full approval is not granted within 12 calendar months from the day the curriculum is first

implemented. If provisional approval expires by lapse of time, the educational authority must submit a new application if approval is sought.

2. Full approval of curriculum as implemented. Applications submitted to the board shall be granted full approval if, in the opinion of the board:

a. The application meets all rules herein, and

b. Written evidence supplied by the educational authority demonstrates that the implemented curriculum resulted in the training of nursing assistants with the knowledge, skills, and attitudes which were stated in the curriculum objectives. The evidence shall include both:

(1) a description of the methods used to evaluate student achievement while students were enrolled in the curriculum, and

(2) the results of evaluation studies conducted by the educational authority to determine the successful employment functioning of graduates of the curriculum.

3. Denial of provisional approval.

a. Applications submitted to the board for provisional approval shall be denied if, in the opinion of the board:

(1) the proposed curriculum, when implemented, will not produce trained nursing assistants who possess the knowledge, skills, and attitudes outlined in Nsg NA 11, or

(2) any other rule herein is not met.

b. The board shall inform the proposer in writing of the denial and of the grounds upon which the denial is based.

4. Denial of full approval.

a. Applications submitted to the board for full approval shall be denied if, in the opinion of the board:

(1) the evidence supplied by the educational authority following implementation of the curriculum is insufficient to show that the implemented curriculum resulted in the training of nursing assistants who possess the knowledge, skills, and attitudes which were included in the curriculum objectives, or

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

## **PROPOSED RULES**

---

---

(2) any other rule herein is not met.

b. The board shall inform the proposer in writing of the denial and of the grounds upon which the denial is based.

B. All proceedings to withdraw provisional or full approval status of a curriculum as implemented shall be in accordance with the Minnesota Administrative Procedures Act.

1. Withdrawal of provisional approval of the curriculum as implemented. The board may seek to withdraw provisional approval status from a curriculum if:

a. the curriculum clearly fails to comply with the rules herein, or

b. the proposer no longer qualifies as an educational authority as defined in Nsg NA 1 c.

2. Withdrawal of full approval of the curriculum as

implemented. The board may seek to withdraw full approval status from a curriculum if:

a. evidence shows that the implemented curriculum resulted in the training of nursing assistants who do not possess the knowledge, skills, and attitudes which were included in the curriculum objectives, or

b. the curriculum as implemented fails to comply with the rules herein, or

c. the educational authority fails to comply with Nsg NA 12, or

d. the proposer no longer qualifies as an educational authority as defined in Nsg NA 1 c.

C. The board may grant the request of an educational authority to withdraw the curriculum of that educational authority from approval status.

Nsg NA 23-30 Reserved for future use.



# OFFICIAL NOTICES

## Office of the Governor Appointments Commission

### Notice of Positions Available

The Governor's Appointments Commission Board announces that applications for 18 appointment positions are now being taken.

Positions available include:

Minnesota State Housing Finance Agency — 2 members (from Development Regions 1, 2, 3, 4, 5, or 6)

State Designer Selection Board — 3 members (one of whom must be nominated by the Minnesota Society of Architects)

Board of Architects, Engineers, Land Surveyors and Landscape Architects — 4 members (one of whom must be a registered architect who has practiced at least 10 years, and one of whom must be a registered highway engineer, and two public members)

State Board of Arts — 4 members, knowledgeable in the arts

State Zoological Board — 3 members

Most boards meet once a month, and compensation for service is \$35 per diem.

Applications for these appointments will be accepted until Tuesday, March 8, 1977.

Public Service Commission — 1 member Full time, 40-60 hr. week mostly in St. Paul. Administrative skills, abilities necessary. Knowledge of economics, engineering, transportation, communications rates and regulations desirable, not absolutely necessary.

Department of Commerce — Commissioner of Insurance. Full-time administrator. Background in insurance (public and private), knowledge of revenue, finances, state government helpful but not necessarily required.

Applications for above two positions will be accepted until February 28, 1977.

For further information, applicants should contact Gloria Griffin at (612) 296-6897, Tuesday — Friday from 10:00 a.m. to 3:00 p.m.

## Ethical Practices Board

### Advisory Opinion Request Regarding Paid Expert Witnesses

Minnesota Motor Transport  
1821 University Ave.,  
Griggs-Midway Bldg.  
St. Paul, Minn. 55104

Mr. B. Allen Clutter  
Executive Director  
State Ethical Practices Board  
41 State Office Building  
St. Paul, Minn. 55155

Dr. Mr. Clutter:

While the subject Advisory Opinion was drafted in response to a question from a electric utility organization it also has application to the motor carrier industry. The purpose of this letter is to raise a specific question relative to Opinion #33, and to request the Ethical Practices Board answer to same.

My letter of January 12 (referenced) spells out the usual involvement of trucking firms in rate hearings that are ultimately decided by the Public Service Commission. The process is similar to that involving utilities, generally speaking however, there will be many more rate hearings for truckers simply because the industry is comprised of many small (or relatively small) carriers. I believe the PSC records indicate over 2400 motor carriers are currently registered with the commission.

As I previously stated (reference 2) applicant carriers are invariably represented by traffic and rate experts at contested rate hearings. These individuals are typically salaried employees of the applicant carrier charged with operational or administrative responsibilities in their respective areas of expertise and are therefore obligated to participate in contested rate hearings on their employer's behalf in order to comply with established procedures of transportation economic regulation.

Specifically, my question is as follows. Is a carrier employee, like that described above, who is involved in a contested rate hearing as a salaried "expert witness" on behalf of one of the parties to the hearing (his employer), and spends more than 5 hours providing testimony in any single month but does not participate in any other way nor expend any money in an effort to "influence" the ultimate decision, a "lobbyist" and required to register as same?

Your timely reply to this question will be most appreciated as it will facilitate the transmission of this necessary infor-

## OFFICIAL NOTICES

---

mation to all MMTA carrier members. I also look forward to receiving your reply to my earlier letter of January 12.

Thank you for the assistance provided.

Sincerely,

James N. Denn  
Executive Vice President

### **Department of Public Welfare Chemical Dependency Division**

#### **Measurement of Chemical Dependency Levels**

A Request For Proposals (RFP) has been issued by the Chemical Dependency Program Division, Department of

Public Welfare (State Alcohol and Drug Authority) on February 15, 1977, for the purpose of designing, installing, and implementing a statewide continuous monitoring system for measuring chemical dependency problem levels, rates, and trends over time. A grant not to exceed \$32,600 will be awarded for the design, installation, and/or operational phases of this project, depending upon the proposal selected for funding. Proposals must be received before March 22, 1977. Persons or organizations wishing to receive this RFP should contact Ken Steger, Chemical Dependency Program Division, 4th Floor, Centennial Office Building, St. Paul, MN 55155. Telephone (612) 296-4612.

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER  
95 Sherburne, Suite 203  
St. Paul, Minnesota 55103

**SUBSCRIPTION ORDER FORM**

\$110.00—annual subscription to the *State Register*—53 issues (non-refundable)

**SAVE MONEY ON ADDITIONAL SUBSCRIPTIONS:**

\$85.00—second subscription and additional subscriptions (each)

I would like \_\_\_\_\_ subscriptions at a total cost of \$\_\_\_\_\_. I have enclosed that amount in a check or money order made out to: "Minnesota State Treasurer."

Name of Company or Organization \_\_\_\_\_

Attention to: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

# NOW AVAILABLE: *STATE REGISTER* BINDERS

## 3½ Inch Durable Plastic Self-locking Binders

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER  
95 Sherburne, Suite 203  
St. Paul, Minnesota 55103

**BINDER ORDER FORM**

*State Register* Binder \$5.00 + \$.20 sales tax, for a total of \$5.20, or include your tax exempt no. \_\_\_\_\_

I would like \_\_\_\_\_ binder(s), at a total cost of \$\_\_\_\_\_. I have enclosed that amount in a check or money order made out to: "Minnesota State Treasurer."

Name of Company or Organization \_\_\_\_\_

Attention to: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_



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

I