STATE REGISTER

STATE OF MINNESOTA

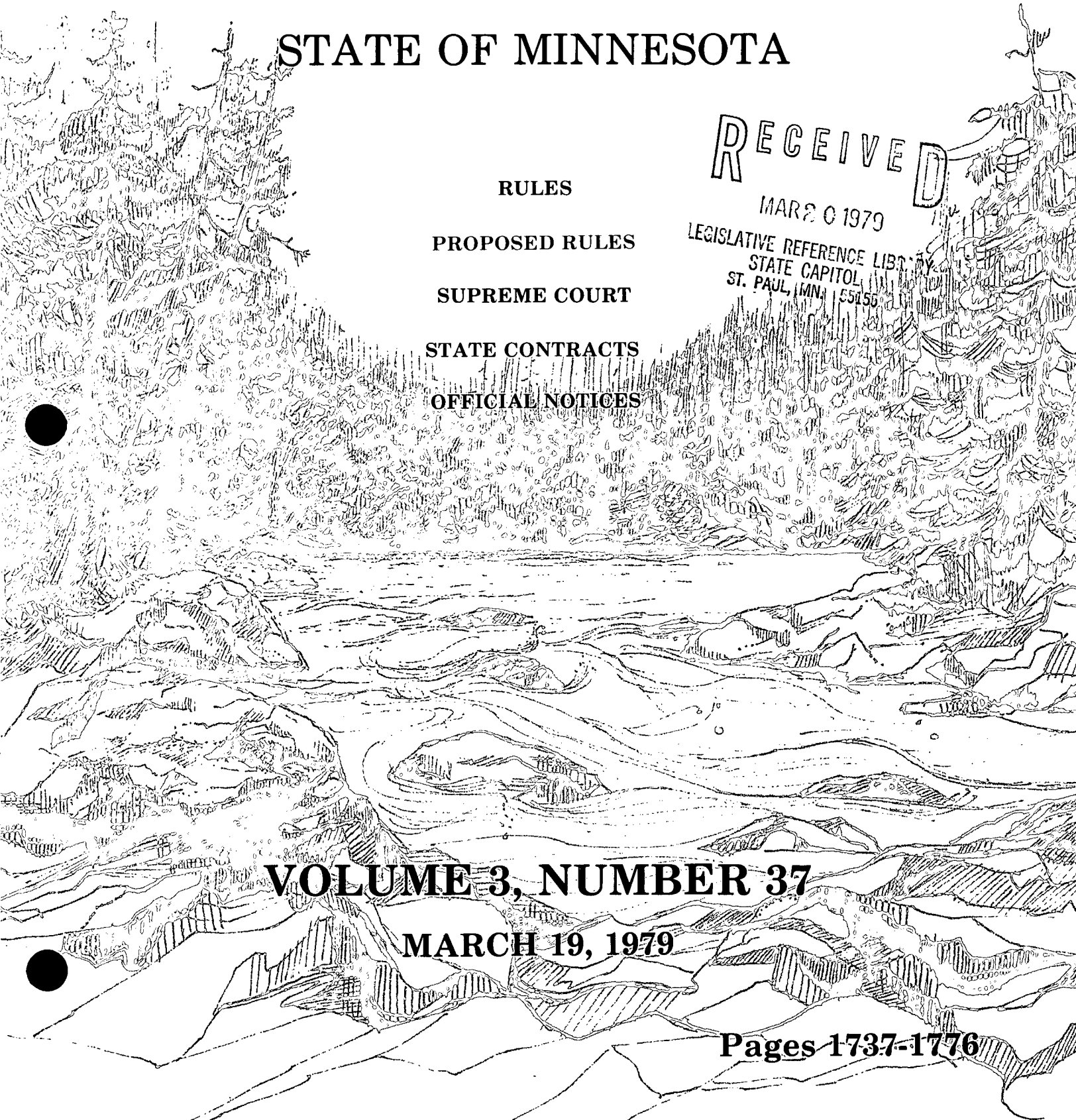
RULES

PROPOSED RULES

SUPREME COURT

STATE CONTRACTS

OFFICIAL NOTICES



VOLUME 3, NUMBER 37

MARCH 19, 1979

Pages 1737-1776

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
	SCHEDULE FOR VOLUME 3		
38	Monday Mar 12	Monday Mar 19	Monday Mar 26
39	Monday Mar 19	Monday Mar 26	Monday Apr 2
40	Monday Mar 26	Monday Apr 2	Monday Apr 9
41	Monday Apr 2	Monday Apr 9	Monday Apr 16

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

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $110 per year, and $85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $2.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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

Acknowledgements: Graphics for this issue were provided courtesy of the Minnesota Historical Society.

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CALENDAR

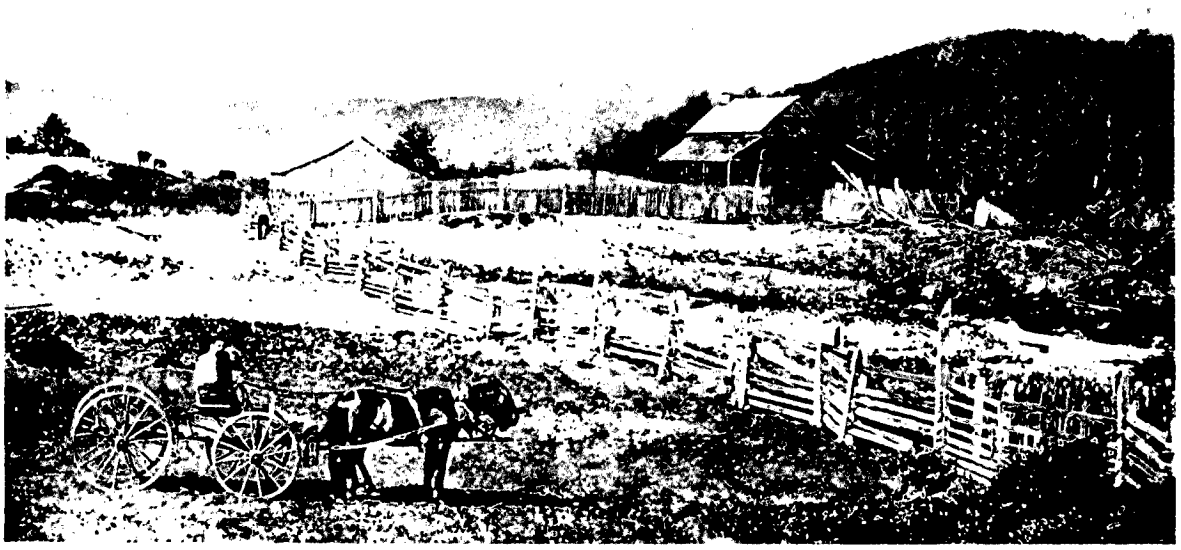
Public Hearings on Proposed Agency Rules

March 26-30, 1979

Date	Agency and Rule Matter	Time and Place
Mar 29	Dpt. of Health Examination and Licensure of Morticians Hearing Examiner: Peter Erickson	9:30 a.m., Rm. 105, Dpt. of Health Bldg., 717 Delaware St., Minneapolis, MN

MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.



In the 1850s farms like this one near Plainview in Wabasha County produced wheat for the small gristmills that were located on many streams in southern Minnesota. A rail fence kept the pigs and cows out of the yard and the vegetable garden. (Courtesy of the Minnesota Historical Society)

RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Administration

Corrections to Adopted Rules

The rules and amendments to existing rules adopted and published at *State Register*, Volume 3, Number 30, pp. 1485-1500 (3 S.R. 1494), January 29, 1979, contained errors, and the following amendments are reprinted in the correct form:

2 MCAR § 1.10008 Building official certification. This rule establishes procedures for certification of building officials, establishes prerequisites for persons applying to be certified by examination, and establishes two classes of certification, ~~and requires continuing education to maintain certification~~.

A. All building officials shall be certified in one of the following:

1. Class I certification shall permit building code administration limited to evaluation and inspection of one and two family dwellings and their accessory structures.

2. Class II certification shall permit building code administration including evaluation and inspection of all buildings and structures within the scope of the Code.

B. Before making application for Class I certification each individual shall meet the following prerequisites.

1. 3 years experience in any of the skilled construction trades; or

2. 3 years experience in complete design of 1 and 2 family dwellings and accessory buildings thereto; or

3. 2 years experience in municipal building construction inspection; or

4. 24 credits in Building Inspection Technology program in a community college system, plus one year experience in ~~subdivisions one, two, or three of this section.~~ B.1., B.2., or B.3. of this rule. Building Inspection Technology courses must include courses in Field Inspection, Plan Review Non-structural, Plan Review Structural, Administration, Building Codes and Standards and Energy Conservation; or

5. International Conference of Building Officials certification in building inspection, plus one year experience in ~~one, two, or three of this Section~~ B.1., B.2., or B.3. of this rule; or

6. 2 years in post high school construction oriented architectural or engineering courses, plus one year experience in ~~one, two, or three of this Section~~ B.1., B.2., or B.3. of this rule.

C. Before making application for Class II certification, each individual shall meet the following prerequisites:

1. 5 years experience in one or a combination of the prerequisites described in ~~subdivisions one, two, or three of section B~~ B.1., B.2., or B.3. of this rule; and two years of general construction supervision or building code administration experience which may be concurrent with the required five years experience; or

2. 24 credits in Building Inspection Technology program in a community college system, plus three years experience in one, or a combination of prerequisites described in ~~one, two or three of section B~~ B.1., B.2., or B.3. of this rule, and two years of general construction supervision or building code administration experience which may be concurrent with the required three years experience; or

3. International Conference of Building Officials certification in building inspection; and 3 years experience in one or a combination of prerequisites described in ~~one, two or three of section B~~ B.1., B.2., or B.3. of this rule; and two

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years of general construction supervision or building code administration experience which may be concurrent with the required three years experience; or

4. 2 years in a post high school course in construction or construction oriented, architectural or engineering courses plus three years experience in one, or a combination of prerequisites described in ~~one, two or three of section B~~ B.1., B.2., or B.3. of this rule, and two years of general construction supervision or building code administration experience which may be concurrent with the required three years experience.

D. Each person seeking certification as a building official shall submit a completed application to the State Building Inspector with a $20 fee payable to the State of Minnesota on application forms provided by the Commissioner.

1. The State Building Inspector shall review applications for compliance with prerequisites set forth in section B and C of this rule.

2. The State Building Inspector shall forward the application to the State Department of Personnel for ~~testing~~ examination if the prerequisites set forth in sections B and C of this rule are satisfied.

~~E. The examination shall be both written and oral.~~

The ~~written test~~ examination shall be given by the State Department of Personnel pursuant to the rules of that department, as governed by and consistent with Minn. Stat. § 16.861, subd. 3 and the following:

1. If the applicant fails the ~~written test,~~ examination, or fails to appear, the applicant shall be permitted to retake the ~~written portion~~ examination or be scheduled for a second administration following 30 calendar days after test results notification.

2. If the applicant fails the ~~written portion~~ examination a second time, or fails to appear for a second scheduled administration, the applicant shall wait six months and then may resubmit application pursuant to section D. of this rule.

~~F. An applicant shall be permitted to take the oral examination after successfully passing the written test.~~

~~1. The State Building Inspector shall schedule an oral examination for the applicant.~~

~~2. If the applicant fails to pass the oral examination, the applicant may apply to retake it. Such reapplication shall be made in writing to the State Building Inspector.~~

~~3. If the applicant fails to pass the oral examination after two opportunities, the applicant must wait six months before reapplying to take the written and oral examination.~~

~~4. A letter, stating reason for failure, shall be sent to applicants who fail the oral examination.~~

~~5. If the applicant successfully completes the total examination, a certificate of certification shall be issued.~~

~~G. Oral Examination Board. The Board for Oral Examination shall be comprised of four people selected by the Commissioner. The composition of the board shall be two certified building officials, a representative of a municipal administrative staff, and a representative of the State Building Code Division staff.~~

H and I. [These sections have been severed for further consideration by the agency based on the findings of the Office of the Attorney General.]

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

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

Department of Agriculture

Proposed Rules Governing the Licensing of Certain Coin Operated Food Vending Machines

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, Saint Paul, Minnesota, on April 23, 1979, commencing at 1:30 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 Myron Greenberg, Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-8107 either before the hearing or after the hearing until the record is closed. The record will remain open for five working days after the public hearing ends or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

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

The proposed rules, if adopted, would establish a means of identification of certain coin operated food vending machines required to be licensed by either the Department of Agriculture or home rule charter or statutory cities or counties pursuant to Minn. Stat. § 28A.09, subd. 2 (Laws of 1978, ch. 502, § 2). Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. § 28A.09, subd. 2 (Laws of 1978, ch. 502, § 2). A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing, will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

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

Mark W. Seetin
Commissioner

Date: March 2, 1979

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Rules as Proposed

Chapter 125: Licensing of Food Vending Machines

3 MCAR § 1.4032 General.

A. Purpose and authority. This rule is adopted by the Commissioner of Agriculture pursuant to Minn. Stat. §§ 28A.09 (Laws of 1978, ch. 502), and 28A.10, to implement procedures and conditions for the licensing of certain coin operated food vending machines. The procedures and criteria specified in this rule are in addition to those set forth in the Minn. Stat. § 28A.09. Any violation of these rules is a misdemeanor pursuant to Minn. Stat. § 28A.12.

B. Definitions. For purposes of this rule, the following definitions and those in Minn. Stat. § 28A.03 shall apply:

1. "Food vending machine" means a coin activated machine that dispenses food as defined in Minn. Stat. § 28A.03, subd. (d), including chewing gum.

2. "Inspecting authority" means a local unit of government designated by the Commissioner and which has been delegated the responsibility for the identification and inspection of food vending machines.

3. "Local unit of government" means a home rule charter, or statutory city, or a county.

C. Designation of inspecting authority.

1. A local unit of government desiring to inspect all food vending machines in its jurisdictional area may submit a request with the Commissioner for legal authority to do so, specifying the following information:

a. Name of the local unit of government.

b. Name, address, and phone number of the individual(s) who will supervise and/or conduct the food vending machine inspection program.

c. Copy of the ordinance authorizing such an inspection program.

d. Design of the vending machine identification decal.

2. The Commissioner, upon determination that the inspection program proposed in the request will assure compliance with Minn. Stat. § 28A.02, shall designate that local unit of government as the inspecting authority for the requested area. The inspecting authority shall thereafter be responsible for the inspection of all food vending machines within that area and the enforcement of all applicable law and rules.

3. In the event that more than one local unit of government requests designation as the inspecting authority for the same area being inspected by the Commissioner at the time of request, the Commissioner shall continue its inspection of food vending machines in that area until such time as an agreement is reached to designate one local unit of government as the inspecting authority.

D. Revocation of inspecting authority designation.

1. Upon determination that there is reasonable cause to believe that an inspecting authority is negligent through its food vending machine inspection program in enforcing all applicable laws and rules protecting the health and well-being of the people of the State as set forth in Minn. Stat. § 28A.02, the Commissioner shall order and notice a hearing for the purpose of designation revocation. The Commissioner shall revoke the designation of inspecting authority of any local unit of government not enforcing said statutes and shall assume the authority to inspect and impose an inspection fee as set forth in Minn. Stat. § 28A.09. Individual inspection fees shall be charged only upon the expiration or renewal of the license issued by the former inspecting authority.

E. Reporting.

1. On or before July 1, each inspecting authority shall annually submit to the Commissioner a report including:

a. All changes in the inspection program from the original program.

b. Number of vending machines decaled.

c. Number of inspections made.

F. Vending machine identification.

1. Persons who sell food directly to the ultimate consumer through the use of food vending machines, whether inspected by the Commissioner or by a local unit of government, shall be subject to the license fee and the requirements set forth in Minn. Stat. §§ 28A.05 and 28A.08.

2. All food vending machines, whether or not subject to an inspection fee, set forth in Minn. Stat. § 28A.09, shall be identified by a decal approved by the Commissioner and issued by the inspecting authority, or where no local unit of government has been designated as the inspecting authority by the Commissioner. Such decals shall include the following information:

a. The name of the inspecting authority.

b. A serial number assigned by the inspecting authority.

c. The date of expiration.

3. Identification decals shall be affixed to the food vending machine in a conspicuous place on the surface of the machine which faces the purchaser at the time of selection and purchases.

G. Inspection. Prior to the issuance or renewal of any food vending machine decal, the inspecting authority, or the Commissioner when no local unit of government has been designated as the inspecting authority, may cause appropriate inspections to be made to determine the food vending machine's compliance with all applicable state and local standards. Approval and issuance of a decal shall be withheld if the food vending machine is determined not to be in compliance with such standards.

H. If a vending machine is removed or changed from the location in which it is authorized to be located by the inspecting authority, the owner of the vending machine shall report such a change or removal within seven (7) days to the inspecting authority, or the Commissioner when no local unit of government has been designated as the inspecting authority.

Department of Agriculture

Proposed Rules Governing Nonalcoholic Beverages; Definitions; Standards; Restrictions; Labeling; and Manufacturing Requirements

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, Saint Paul, Minnesota, on April 23, 1979, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Myron Greenberg, Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-8109 either before the hearing or after the hearing until the record is closed. The record will remain open for five working days after the public hearing ends or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

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

The proposed rules, if adopted, would repeal Agr 4803 dealing as the proprietary name restrictions, and amend Agr 4804 by repealing identity and labeling restrictions for lime rickey, noncarbonated flavored beverages contained less than six percent fruit juice. Federal Food and Drug Administration regulations for these beverages would be adopted so that State rules conform as the federal regulations. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 31.101 and 31.11. A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing, will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within

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five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, phone (612) 296-5615.

March 2, 1979

Mark W. Seetin
Commissioner

Rules as Proposed

Chapter 143: ~~AGR 4801-4850~~ 3 MCAR §§ 1.4801-1.4850 (partial)

Nonalcoholic Beverages; Definitions; Standards; Restrictions; Labeling; Manufacturing Requirements; Beer and Other Malt Beverages

3 MCAR 1.4801 ~~Agr 4801~~ Soda water; identity; label statement of Optional Ingredients.

A. ~~(a)~~ Soda water is the class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60°F. It may contain buffering agents as provided in paragraph ~~(b)~~ ~~(5)~~ B. 5. of this ~~regulation~~ rule. It either contains no alcohol or only such alcohol (not in excess of 0.5 per cent by weight of the finished beverage) as is contributed by the flavoring ingredient used. Soda water designated by a name including any proprietary name provided for in paragraph ~~(c)~~ C. of this ~~regulation~~ rule which includes the word "cola" or a designation as a "pepper" beverage that for years has become well known as being made with kola nut extract and/or other natural caffeine-containing extracts and thus as a caffeine-containing beverage shall contain caffeine in a quantity not to exceed 0.02 per cent by weight.

B. ~~(b)~~ Soda water may contain optional ingredients but if any such ingredient is a food additive or a color additive within the meaning of Section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, it is used only in conformity with the requirements established therefor. The optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

1. ~~(1)~~ Nutritive sweeteners consisting of the dry or liquid form of sugar, invert sugar, dextrose, corn sirup, glucose sirup, sorbitol, or any combination of two or more of these.

2. ~~(2)~~ One or more of the following flavoring ingredients may be added in a carrier consisting of ethyl alcohol, glycerin, or propylene glycol;

a. ~~(aa)~~ Fruit juices (including concentrated fruit juices), natural flavoring derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant materials.

b. ~~(bb)~~ Artificial flavoring.

3. ~~(3)~~ Natural and artificial color additives.

4. ~~(4)~~ One or more of the acidifying agents acetic acid, adipic acid, citric acid, fumaric acid, lactic acid, malic acid, phosphoric acid, or tartaric acid.

5. ~~(5)~~ One or more of the buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, orthophosphate, or sulfate salts of calcium, magnesium, potassium, or sodium.

6. ~~(6)~~ Emulsifying, stabilizing or viscosity-producing agents.

a. ~~(aa)~~ One or more of the emulsifying, stabilizing or viscosity-producing agents brominated vegetable oils, carob bean gum (locust bean gum), glycerol ester of wood rosin, guar gum, gum acacia, gum tragacanth, hydroxylated lecithin, lecithin, methyl-cellulose, mono- and diglycerides of fat-forming fatty acids, pectin, poly-glycerol esters of fatty acids, propylene glycol alginate, sodium carboxymethylcellulose, sodium metaphosphate (sodium hexa-metaphosphate).

b. ~~(bb)~~ When one or more of the optional ingredients in ~~subdivision (aa) of this subparagraph~~ B.6.a. of this rule are used, dioctyl sodium sulfosuccinate complying with the requirements of ~~(21 CFR)~~ Section ~~121.1137~~ 172.810 (Federal Food and Drug Administration Regulations) may be used in a quantity not in excess of 0.5 per cent by weight of such ingredients.

7. ~~(7)~~ One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave).

8. ~~(8)~~ Caffeine, in an amount not to exceed 0.02 per cent by weight of the finished beverage.

9. ~~(9)~~ Quinine, as provided in ~~(21 CFR)~~ Section ~~121.1081~~ 172.575 (Federal Food and Drug Administration Regulations), in an amount not to exceed 83 parts per million by weight of the finished beverage.

10. ~~(10)~~ One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorbic acid, glucose-oxidase-catalase enzyme, methyl or propyl paraben, mordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium meta-bisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, or tocopherols; stannous chloride in a quantity not to exceed 11 parts per million calculated as tin (Sn), and in the case of canned soda water, with or without one or more of the other chemical preservatives listed in this subparabraph.

11. ~~(11)~~ The defoaming agent dimethylpolysiloxane in an amount not to exceed 10 parts per million.

C. ~~(c)~~ Names of Beverages.

1. ~~(1)~~ The name of the beverage for which a definition and standard of identity is established by this ~~regulation~~ rule, which is neither flavored nor sweetened, is soda water, club soda, or plain soda.

2. ~~(2)~~ The name of each beverage containing flavoring and sweetening ingredients as provided for in paragraph ~~(b)~~ B. of this regulation is "_____ soda" or "_____ soda water" or "_____ carbonated beverage," the blank being filled in with the word or words that designate the characterizing flavor of the soda water; for example, "grape soda".

3. ~~(3)~~ If the soda water is one generally designated by a particular common name; for example, ginger ale, root beer or sparkling water that name may be used in lieu of the name prescribed in subparagraphs ~~(1)~~ 1. and ~~(2)~~ 2. of this ~~paragraph~~ rule. For the purposes of this ~~regulation~~ rule, a proprietary name that is commonly used by the public as the designation of a particular kind of soda water may likewise be used in lieu of the name prescribed in subparagraphs ~~(1)~~ 1. and ~~(2)~~ 2. of this ~~paragraph~~ rule.

D. ~~(d)~~ Soda water that contains the optional ingredient caffeine as provided for in paragraph ~~(b)~~ ~~(8)~~ B. 8. of this ~~regulation~~ rule, artificial flavoring, artificial coloring, or any combination of these shall be labeled to show that fact by the label statement "with _____" or "_____ added", the blank being filled in with the word or words "caffeine", "artificial flavoring", "artificial coloring", or a combination of these words, as appropriate. If the soda water contains one or more of the optional ingredients set forth in paragraph ~~(b)~~ ~~(10)~~ B. 10. of this ~~regulation~~ rule, which has or is intended to have a preservative effect in the finished beverage, it shall be labeled to show that fact by one of the following statements: "_____ added as a preservative" or "preserved with _____" the blank being filled in with the common name of the preservative ingredient. If soda water contains quinine salts, the label shall bear a prominent declaration either by use of the word "quinine" im the name of the article or by separate declaration.

E. ~~(e)~~ The label statements prescribed in paragraph ~~(d)~~ D. of this ~~regulation~~ rule for declaring the optional ingredients present shall appear on a labeling surface of the beverage in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use of such beverage. These statements shall immediately and conspicuously precede or follow the name of the beverage, wherever such name is prominently displayed, without intervening, written, printed, or graphic matter; provided, that, where such name is part of a trademark or brand, then other written, printed, or graphic matter that is also a part of such trademark or brand may intervene if the label statement required by this section is so placed as to be conspicuously related to the name of the beverage.

3 MCAR § 1.4802 ~~Agr 4802~~ Bacterial, yeast and mold standards for nonalcoholic beverages.

No canned or bottled carbonated or still beverages, carbonated, plain or otherwise, manufactured, mixed or compounded, shall be sold, offered or exposed for sale or held in possession for sale in this state, the bacterial count of which at any time after manufacturing, mixing or compounding exceeds 100 bacteria per milliliter, 20 molds per milliliter or a mixture of yeasts and molds which exceeds 20 per milliliter collectively, standard plate count, as determined by the arithmetical averages of four consecutive tests of beverage samples taken on separate days.

~~Agr 4803 Proprietary Names, Restrictions. Notwithstanding the provisions of 985(c), (3) all beverages bearing the words or terms "Drink", "Ade", "Rickey", "Collins", "Tom Collins", "Cocktail", "Sour", "Mixer", and "Punch" or any combination of these words with each other or with other words shall be considered to be bearing a name or names implying a content of fruit juice and shall be required to be manufactured, mixed, or compounded in accordance with the requirements of Agr 988(i), provided that nothing in this paragraph shall prohibit the use of the words "Tonic Mixer" when applied to the label for "Quinine Soda", "Quinine Soda Water" or "Quinine Carbonated Beverage" when the label for such beverage complies with all other labeling requirement applicable thereto.~~

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

3 MCAR § 1.4803 Purified water; identity; label statement of process requirement.

Purified water is a water produced by distillation, deionization or by reverse osmosis and shall not contain more than ten (10) parts per million of total dissolved solids and otherwise conforms to the sanitary standards for water. Purified water shall be designated by the name "Purified Water" and the statement "Produced by _____", the blank being filled in with the appropriate descriptive words describing the water treatment process; for example, "Purified Water Produced by Distillation." These label statements shall appear on the labeling surface of the container in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use. For the purposes of this paragraph the use of the names "distilled water," "deionized water" or "reverse osmosis water" may be used in lieu of the labeling prescribed herein when it properly describes the character and process of the water so designated.

3 MCAR § 1.4804 ~~Agr 4804~~ Other beverages; identity, labeling, restrictions.

~~(a) Lime rickey is a carbonated beverage prepared from fruit; pure cane, beet sugar, or refined corn sugar, or corn sirup or corn sirup solids; and carbonated water. It contains all tolerances provided for, not less than six per cent lime juice and may or may not be fortified with other fruit juices.~~

~~(b) Nonearbonated (still) flavored beverages containing less than six (6) per cent fruit juice in which the characteristic flavor and/or color of the beverage is created by natural and/or artificial fruit flavors and/or colors shall:~~

~~(1) If labeled with a name or names of a fruit or true fruit product, be labeled with the word "imitation". The word "imitation" shall be declared on the label in conjunction and equally conspicuous with the name or names of the fruit or true fruit product the flavor of which is used and/or imitated.~~

~~(2) If labeled with a name that contains the name of a fruit or true fruit product, it shall be manufactured, mixed or compounded free of pulp and cloud.~~

~~(3) Be labeled with a list of ingredients in descending order of predominance.~~

~~(c) A beverage made from oil of lemon, citric acid, tartaric acid, phosphoric acid, lactic acid and coloring matter, with or without emulsifying agent, is not a fruit product even though its essential ingredients are derived from the fruit. For example, the term orangeade, unqualified, can be applied only to a product consisting of orange juice, cane, beet sugar or refined corn sugar or corn sirup or corn sirup solids; water; and flavored with orange oil. The same applies also to beverages sold as lemonade, gradeade, limeade, lime rickey, grapefruit drink, orange drink and other similar beverages.~~

A. ~~(d)~~ A product labeled or sold as a phosphate beverage must contain an appreciable amount of phosphoric acid or acid phosphate, with or without other acid material commonly used in the preparation of beverages, provided that none of the acid ingredients are of such a nature as to render the product injurious to health.

B. ~~(e)~~ The information required to be given on the bottles containing a beverage may appear on a label pasted on the side of the bottle, on the crown or cap or may be blown in the glass on the side of the bottle or appear in applied color label on the side of the bottle. All information required by Law or Rulings must be plainly and conspicuously set forth, in proximity to the name of the article, through any one of the above named methods of labeling.

C. ~~(f)~~ The information placed on the bottle by the manufacturer or bottler, whether in the form of a printed lable or by means of lettering blown in the glass, must in each case be truly descriptive of the product contained in the bottle. The interchanging of labels, whether printed on paper or on the crown cap or blown in the glass of the bottle, whereby the matter contained in the label is not truly descriptive of the product or its origin, constitutes a misbranding.

D. ~~(g)~~ Beverages which conform to cordials, wines, creme de menthe, etc. in all respects except as to alcoholic content, may be labeled as "nonalcoholic cordials," "nonalcoholic creme de menthe," "nonalcoholic wine," etc. as the case may be.

E. ~~(h)~~ Such terms as "apple juice," "grape juice," "loganberry juice," "cherry juice," etc. are applicable only to the pure juice of the fruit specified. A fruit juice which has been modified in any way or to which sugar, dextrose, corn sirup or corn sirup solids, has been added, shall be plainly labeled so as to indicate such modification or addition, as for example, grape juice with added sugar.

~~(i) Fruit Ades, Drinks or Rickeys. Beverages labeled orangeade, lemonade, grapefruitade, grapeade, limeade or lime rickey, etc. or with other names implying a content of fruit juice must contain a minimum of six (6) per cent of actual juice of the fruit name on the label. The list of ingredients must be plainly declared in the order of predominance. This list shall include water, plain or carbonated; pure cane, beet sugar or refined corn sugar or corn sirup or corn sirup solids; name of fruit juice, oils, citric, tartaric acids, artificial color, etc.~~

~~(j) Imitation, still and carbonated beverages and imitation fruit extracts, compounds and other similar prepa-~~

~~rations cannot bear pictures of fruits on labels, neither can pictures of fruits be used on pamphlets, circulars, folders, signs, newspapers and any other forms of advertising material.~~

~~(k) Reserved for future use.~~

~~(l) Purified Water; Identity; Label Statement of Process Requirement. Purified water is a water produced by distillation, deionization or by reverse osmosis and shall not contain more than ten (10) parts per million of total dissolved solids and otherwise conforms to the sanitary standards for water. Purified water shall be designated by the name "Purified Water" and the statement "Produced by _____", the blank being filled in with the appropriate descriptive words describing the water treatment process; for example, "Purified Water Produced by Distillation". These label statements shall appear on the labeling surface of the container in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use. For the purposes of this paragraph the use of the names "distilled water", "deionized water" or "reverse osmosis water" may be used in lieu of the labeling prescribed herein when it properly describes the character and process of the water so designated.~~

Department of Health

Proposed Rules Relating to Crippled Childrens Services Criteria, Procedures and Responsibilities for Eligibility, Cost-Sharing and Reimbursement

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1978) in the Council Room of the St. Cloud City Hall, 314 St. Germain, St. Cloud, Minnesota, on Wednesday, April 25, 1979, commencing at 9:00 a.m. Following adjournment, the hearing shall be reconvened in Room 105, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Friday, April 27, 1979, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8118, either before the hearing or within five (5) days after the close of the hearing or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested but not required that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed rules is attached hereto and made a part hereof.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to the Director, Crippled Childrens Services of the Minnesota Department of Health, Community Park Plaza, 2829 University Avenue Southeast, Minneapolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

Notice: The proposed rules are subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

The statutory authority of the Commissioner to promulgate and adopt these rules is contained in Minn. Stat. §§ 144.05, 144.12, 144.07, 144.06, 144.09, 144.10, 144.11 (1978) and under State of Minnesota, Department of Administration Reorganization No. 101 pursuant to Minn. Stat. § 16.125 (1978). Further authority to implement these rules is found in Minn. Stat. §§ 256.01, subd. 2(3) and (5), 256.011, 257.175, 250.05, subd. 6, 260.35 and 15.0412 (1978).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed amendments. Copies of the

statement of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Laws 1978, ch. 463, § 11 as any individual:

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

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

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

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

March 5, 1979

George R. Pettersen, M.D.
Commissioner

Rules as Proposed (all new material)

Chapter Thirty-one: 7 MCAR §§ 1.651-1.657

7 MCAR § 1.651 General.

A. Declaration of purpose, scope and applicability.

These rules apply to the parent(s) or guardian(s) of handicapped and potentially handicapped children under the age of 21, self-supporting handicapped and potentially handicapped individuals under 21 years of age, individuals 21 years of age or over with cystic fibrosis or hemophilia, and those health professionals and institutions that provide services to eligible individuals with handicaps. The Federal Act (Title V, USC 42, Chapter 7) authorizing Crippled Children Services (CCS) provides annual formula funds to the state, which are augmented by state appropriation; therefore, reimbursement to providers under these rules is subject to the limitation of these funds and the funds appropriated under Minnesota Laws 1977; ch. 453, § 24.

The purpose and scope of these rules is to specify the Crippled Children Services (CCS) criteria, procedures and responsibilities relating to applicant eligibility, applicant cost-sharing and reimbursement to service providers for service(s) authorized by CCS for physically handicapping conditions in children.

B. Definitions. For the purposes of these rules, the following terms shall have the meaning given them:

1. "Adjusted gross income" means all of the income received by the applicant, less the deductions allowed by the IRS for business and professional expenses as declared on the most recent IRS statement of federal adjusted gross income for the immediately preceding tax year.

2. "Administrative Review Committee" means the committee, as identified by the Commissioner of Health, composed of administrative personnel from the Division of Personal Health Services and the CCS Program and a representative from the CCS field staff who have responsibility for the review of CCS decisions relating to eligibility and cost-sharing for those applicants who wish such reconsideration.

3. "Allowable deductions" means those expenses incurred by household members for the following items:

a. Medical-dental expenses for treatment paid during the previous twelve months which were not reimbursed by a third-party payer such as insurance or Title XIX (Medical Assistance).

b. Transportation costs in order to obtain medical/dental care and services during the previous twelve months.

(1) Travel expenses by car are calculated at $.10 a mile.

(2) Actual costs of train, airplane, bus and taxi fares.

4. "Applicant" means the individual who requests the

services offered by CCS or the parent(s) or legal guardian(s) of such an individual.

5. "Application" means a written request for service and/or cost-sharing determination signed by the applicant on forms specified by CCS.

6. "Authorization form" means the document designed and supplied by CCS to the service provider with a copy to the applicant, outlining the service(s) requested for the individual and the conditions of payment by CCS to the service provider.

7. "Child with a handicap" means an individual under 21 years of age who has a disease or physiological condition which might hinder the achievement of normal growth and development.

8. "CCS" means the Crippled Children Services Program.

9. "CCS adjusted income" means the income figure derived after CCS applies cost-sharing calculations pursuant to Rule 7 MCAR § 1.654 B. 4.

10. "Comprehensive Care Center" (Applicable to Services for Hemophiliacs Only) means a medical facility in which a multidisciplinary team coordinates a program of total care for hemophiliacs, including emergency and consultation services.

11. "Cost-sharing" means the financial participation in the cost of treatment service(s) on the part of the applicant and established on the basis of ability to pay pursuant to these rules.

12. "Cost-sharing schedule" means the schedule set out in Rule 7 MCAR § 1.654 B. 4. which specifies income levels by number of members in the household and the corresponding percentage of that income level an applicant shall be required to share in the cost of treatment service(s), depending upon the level of their CCS adjusted income.

13. "Diagnostic evaluation" means the initial history, examination and necessary tests to establish the diagnosis and outline the plan of treatment. This evaluation is performed by a team of professionals under the direction of a physician who is board-certified or board-eligible in a specialty area.

14. "Federal Act" means the Social Security Act, as amended, Title V (USC 42, Chapter 7).

15. "Hemophilia" means a bleeding tendency resulting from a genetically determined deficiency and/or abnormality of a blood plasma factor or component.

16. "Household member" means any of the following individuals who shall be counted as part of a household for the purposes of these rules:

a. Spouse.

b. Parent(s) and their children who are not self-supporting whether residing in the household or absent from the home.

c. The unborn child/children of a current pregnancy of a spouse. Self-supporting individuals 18 years and over shall not be included as members of the household.

17. "Household member deduction" means an amount of $1,000 for each household member which is deducted from the total of the includable assets.

18. "Includable assets" means cash and those fluid assets readily convertible into cash such as commercial paper and negotiable paper instruments. The amount of these instruments is added by CCS to the adjusted gross income. Includable assets include:

a. Cash.

b. Checking accounts.

c. Certificates of deposit.

d. Savings accounts.

e. Bonds.

f. Stocks.

g. Income not reportable to IRS.

19. "Long-term physically handicapping condition" means a condition based upon the diagnostic evaluation and approved by CCS, which cannot be resolved or significantly influenced within two years of the date of initial application.

20. "Medical Director" means the physician assigned responsibility by the Commissioner of Health for the administration and management of CCS in the State of Minnesota.

21. "One-person household" means any of the following individuals who shall be counted as a one-person household for the purposes of these rules:

a. An adult living alone.

b. An adult living with individual(s) other than a spouse or children who are not self-supporting.

c. A child living with a relative other than a parent or legal guardian.

d. An individual 18 years of age or over who is a self-supporting individual and living with parent(s).

22. "Prior authorization" means an agreement between CCS and a service provider which details service(s) requested for payment by CCS for the benefit of an applicant. The service(s) and conditions of payment must be approved by an agent of CCS prior to provision of the service(s).

23. "Reimbursement" means the payment by CCS to a service provider for diagnostic evaluation or treatment service(s) of CCS eligible individuals.

24. "Self-supporting individual" means an individual who contributes 50% or more toward his/her living costs.

25. "Service provider" means any of those facilities and personnel whose services are requested by CCS and who meet the criteria for participation as specified in these rules.

26. "State gross median income" means the income level at which 50% of the people in the state have incomes higher than the median and 50% of the people have incomes which are lower, as computed by the Minnesota Department of Employment Services in 1977.

27. "Third-party reimbursement sources" means a third-party payer, other than the applicant who pays for service(s) not directly received by the payer, such as insurance (including Health Maintenance Organizations) and/or Title XIX (Medical Assistance).

28. "Title XIX" (Medical Assistance) means the program authorized by the Social Security Act USC 42, Section 1901-1910 to provide reimbursement for medical care for individuals whose resources do not enable them to purchase such care.

29. "Treatment service(s)" means the ongoing medical case management for a child diagnosed as having a long-term physically handicapping condition. This medical case management includes definitive medical, surgical, dental, rehabilitative and follow-up services related to the condition.

30. "Treatment plan" means a written statement developed by a physician who is board-certified or board-eligible in a specialty area, in concert with other professionals and which delineates the service(s) required to correct or ameliorate an individual's physically handicapping condition.

7 MCAR § 1.652 Applicant eligibility for diagnostic evaluation.

A. An applicant shall complete an application provided by CCS as described in Rule 7 MCAR § 1.654 A. Any applicant, regardless of income, who meets all of the following criteria shall be eligible for a diagnostic evaluation authorized by CCS:

1. A resident of the State of Minnesota.

2. A child under 21 years of age or an adult 21 years of age or over with cystic fibrosis or hemophilia.

3. A child who is suspected to be a child with a handicap.

B. In addition to the above criteria:

1. An applicant shall be required to make use of available third-party reimbursement sources for the examinations and tests necessary for a diagnostic evaluation. There shall be no out-of-pocket cost to the applicant.

2. Prior written authorization shall be required for a diagnostic evaluation to be reimbursed in full or for that part not reimbursed by third-party payers by CCS.

7 MCAR § 1.653 Applicant eligibility for treatment services.

A. An applicant shall complete an application provided by CCS and described in Rule 7 MCAR § 1.654 A. Any applicant who meets all of the following criteria shall be eligible for CCS reimbursement to service providers for the cost of treatment service(s):

1. A resident of the State of Minnesota.

2. A child under 21 years of age or an adult 21 years of age or older with cystic fibrosis or hemophilia.

3. A child who has a diagnosed long-term physically handicapping condition as defined in these rules.

B. In addition to the above criteria:

1. An applicant shall agree to participate in cost-sharing if any is required, according to the specifications set out in Rule 7 MCAR § 1.654 B.

2. An applicant shall be required to make use of available third-party reimbursement sources for treatment services.

3. Prior written authorization shall be required for treatment service(s) to be reimbursed in full or in part by CCS.

C. An applicant who meets all of the criteria and requirements for eligibility, but whose handicapping condition may be of a short-term nature, shall be eligible for CCS reimbursement to service providers in those instances where the cost of treatment is anticipated to exceed 40% of the applicant's adjusted gross income as defined in these rules.

7 MCAR § 1.654 Application and cost-sharing for applicant(s).

A. Application for service(s).

1. CCS shall provide an application form upon request. Each submitted application shall contain a signed statement by the applicant that the information given is true and complete to the best of his/her ability and knowledge.

2. CCS shall review the completed application within 30 days of receipt. This review determines whether the applicant is eligible for CCS reimbursement of treatment services pursuant to Rule 7 MCAR § 1.653 A. and determines any cost-sharing requirements.

3. CCS shall notify the applicant in writing of any decision related to eligibility for CCS reimbursement to service providers for service(s).

4. For applicants for treatment service(s), CCS shall prepare the cost-sharing agreement, if cost-sharing is indicated under Rule 7 MCAR § 1.654 B. An applicant shall not be eligible to have treatment service(s) authorized through CCS until the cost-sharing agreement is signed by the applicant and received in the CCS office.

5. An applicant who is determined ineligible for reimbursement of treatment costs may reapply when and if he/she feels there are changes of circumstance which are related to the eligibility criteria as contained in these rules.

6. The period in which an applicant shall remain eligible for CCS authorization for reimbursement to service providers of treatment costs shall be as follows:

a. One year from the date of receipt by CCS of the signed cost-sharing agreement, when cost-sharing is required.

b. One year from the date of the original eligibility determination, when no cost-sharing is required.

c. CCS may make an exception regarding the beginning date of eligibility in those instances where the child is in an unanticipated treatment situation and the applicant was unaware of the program before this time. Where the time required to process the application will cause delay in the provision of treatment service(s), the documented, initial contact with CCS may be considered the beginning of eligibility if the application and signed cost-sharing agreement are received within 60 days of this initial contact.

7. CCS shall send the applicant written notification of the date upon which eligibility begins.

8. To maintain eligibility, an applicant must complete another application at the end of the eligibility period.

B. Cost-sharing.

1. Any applicant whose CCS adjusted income as defined and described in Rule 7 MCAR § 1.651 B. 9. is above 60% of the State gross median income shall be required to share in the treatment costs of all service(s) authorized by CCS. CCS shall reimburse service providers for remaining expenses for authorized treatment service(s) which are not covered by the applicant's cost-sharing or third-party reimbursement sources.

2. No cost-sharing shall be required of an applicant who is currently eligible for Medical Assistance (Title

XIX), a ward of the State or whose CCS adjusted income falls below 60% of the State gross median income.

3. The adjusted gross income used in any cost-sharing calculations shall be that of the applicant as defined in Rule 7 MCAR § 1.651 B. 4. The income of a step-parent who does not adopt a child is not considered in cost-sharing calculations.

4. The amount of cost-sharing required of an applicant is determined in the following manner:

Step #1: The includable assets are totalled. If applicable, the household member deduction is subtracted from this total.

Step #2: The amount derived in Step #1 is then added to the adjusted gross income.

Step #3: The total of the allowable deductions is subtracted from the amount derived in Step #2. This figure indicates the CCS adjusted income.

Step #4: The percentage that the applicant must share in the cost of treatment is based on the applicant's CCS adjusted income level and on the number of members in the household. This percentage is calculated according to the following chart.

CCS COST-SHARING SCHEDULE

For each number of household members, the beginning income level on the schedule represents the range of income from 0 to 60% of the state gross median income. Increments of $1,000 have been used to establish each succeeding income level for that size household in 1977. The percentage at the left of the schedule rises 1% for every $1,000 rise in the CCS adjusted income level.

Percentage which eligible applicants share in the cost of treatment	Income Levels by Number of Members in the Household				
	1	2	3	4	5
0	0 -$ 5,606	0 -$ 7,332	0 -$ 9,057	0 -$10,782	0 -$12,507
1	5,607 - 6,606	7,333 - 8,332	9,058 - 10,057	10,783 - 11,782	12,508 - 13,507
2	6,607 - 7,606	8,333 - 9,332	10,058 - 11,057	11,783 - 12,782	13,508 - 14,507
3	7,607 - 8,606	9,333 - 10,332	11,058 - 12,057	12,783 - 13,782	14,508 - 15,507
4	8,607 - 9,606	10,333 - 11,332	12,058 - 13,057	13,783 - 14,782	15,508 - 16,507
5	9,607 - 10,606	11,333 - 12,332	13,058 - 14,057	14,783 - 15,782	16,508 - 17,507
6	10,607 - 11,606	12,333 - 13,332	14,058 - 15,057	15,783 - 16,782	17,508 - 18,507
7	11,607 - 12,606	13,333 - 14,332	15,058 - 16,057	16,783 - 17,782	18,508 - 19,507
8	12,607 - 13,606	14,333 - 15,332	16,058 - 17,057	17,783 - 18,782	19,508 - 20,507
9	13,607 - 14,606	15,333 - 16,332	17,058 - 18,057	18,783 - 19,782	20,508 - 21,507
10	14,607 - 15,606	16,333 - 17,332	18,058 - 19,057	19,783 - 20,782	21,508 - 22,507
11	15,607 - 16,606	17,333 - 18,332	19,058 - 20,057	20,783 - 21,782	22,508 - 23,507
12	16,607 - 17,606	18,333 - 19,332	20,058 - 21,057	21,783 - 22,782	23,508 - 24,507
13	17,607 - 18,606	19,333 - 20,332	21,058 - 22,057	22,783 - 23,782	24,508 - 25,507
14	18,607 - 19,606	20,333 - 21,332	22,058 - 23,057	23,783 - 24,782	25,508 - 26,507
15	19,607 - 20,606	21,333 - 22,332	23,058 - 24,057	24,783 - 25,782	26,508 - 27,507
16	20,607 - 21,606	22,333 - 23,332	24,058 - 25,057	25,783 - 26,782	27,508 - 28,507
17	21,607 - 22,606	23,333 - 24,332	25,058 - 26,057	26,783 - 27,782	28,508 - 29,507
*18	22,607 - 23,606	24,333 - 25,332	26,058 - 27,057	27,783 - 28,782	29,508 - 30,507

	6	7	8	9	10
0	0 - 14,232	0 - 14,556	0 - 14,879	0 - 15,203	0 - 15,526
1	14,233 - 15,232	14,557 - 15,556	14,880 - 15,879	15,204 - 16,203	15,527 - 16,526
2	15,233 - 16,232	15,557 - 16,556	15,880 - 16,879	16,204 - 17,203	16,527 - 17,526
3	16,233 - 17,232	16,557 - 17,556	16,880 - 17,879	17,204 - 18,203	17,527 - 18,526
4	17,233 - 18,232	17,557 - 18,556	17,880 - 18,879	18,204 - 19,203	18,527 - 19,526
5	18,233 - 19,232	18,557 - 19,556	18,880 - 19,879	19,204 - 20,203	19,527 - 20,526
6	19,233 - 20,232	19,557 - 20,556	19,880 - 20,879	20,204 - 21,203	20,527 - 21,526
7	20,233 - 21,232	20,557 - 21,556	20,880 - 21,879	21,204 - 22,203	21,527 - 22,526
8	21,233 - 22,232	21,557 - 22,556	21,880 - 22,879	22,204 - 23,203	22,527 - 23,526
9	22,233 - 23,232	22,557 - 23,556	22,880 - 23,879	23,204 - 24,203	23,527 - 24,526
10	23,233 - 24,232	23,557 - 24,556	23,880 - 24,879	24,204 - 25,203	24,527 - 25,526
11	24,233 - 25,232	24,557 - 25,556	24,880 - 25,879	25,204 - 26,203	25,527 - 26,526
12	25,233 - 26,232	25,557 - 26,556	25,880 - 26,879	26,204 - 27,203	26,527 - 27,526
13	26,233 - 27,232	26,557 - 27,556	26,880 - 27,879	27,204 - 28,203	27,527 - 28,526
14	27,233 - 28,232	27,557 - 28,556	27,880 - 28,879	28,204 - 29,203	28,527 - 29,526
15	28,233 - 29,232	28,557 - 29,556	28,880 - 29,879	29,204 - 30,203	29,527 - 30,526

16	29,233 - 30,232	29,557 - 30,556	29,880 - 30,879	30,204 - 31,203	30,527 - 31,526
17	30,233 - 31,232	30,557 - 31,556	30,880 - 31,879	31,204 - 32,203	31,527 - 32,526
*18	31,233 - 32,232	31,557 - 32,556	31,880 - 32,879	32,204 - 33,203	32,527 - 33,526

*Add 1% per $1,000 for higher incomes

5. Adjustments in cost-sharing may be made when extenuating circumstances occur which may alter the ability of an applicant to assume cost-sharing in the amount indicated. The following constitute criteria for a review of an applicant's cost-sharing requirement during the eligibility period:

a. An increase or decrease of 5% in the adjusted gross income from that indicated on the application.

b. A change in the number of members included in the household from that indicated on the application.

c. Uninsured property damage of at least $2,500.

d. Extraordinary expenses for travel, lodging, child care incurred by families as a result of current treatment of eligible children.

6. An applicant shall be responsible for reporting any change in the number of household members or a change of 5% of the adjusted gross income to CCS within 15 days. Failure to provide such information shall constitute grounds for review of an applicant's cost-sharing.

7. The amount that an eligible applicant shall share in the cost of treatment shall remain the same regardless of the number of children in the household eligible for treatment under the CCS Program. For example, if the cost-sharing amount is $780, this amount is not changed if there are two or more children in the household eligible for service.

7 MCAR § 1.655 Reimbursement for service(s).

A. CCS shall only reimburse for diagnostic evaluation and/or treatment service(s) for which a prior written authorization has been provided in a format designated by CCS.

B. Emergency authorization of reimbursement for treatment service(s) may be provided by CCS in situations which are later determined by the CCS Medical Director to be life threatening or to have the potential for irrevocable damage, injury or long-term consequences if treatment is not provided immediately. In these instances, CCS shall be notified by the physician or hospital staff within 72 hours after admission to a hospital. Eligibility for further authorization shall be determined according to the criteria contained in these rules.

C. Limitations on authorization of reimbursement for treatment service(s).

1. CCS shall authorize reimbursement to a service provider only for treatment that is part of the treatment plan for an individual's handicapping condition.

2. CCS shall not authorize reimbursement for the treatment of conditions determined by CCS to be primarily cosmetic in nature.

3. CCS shall not authorize reimbursement for costs of equipment such as hospital beds or wheel chairs.

4. Within any 12-month period, CCS shall pay no more than $7,500 for the care of an individual.

5. CCS shall not authorize reimbursement for treatment service(s) not associated with an individual's eligible condition. An exception may be made and routine care may be authorized by the CCS Medical Director when, as the result of the eligible condition, it is more probable than not that a life threatening situation or irrevocable damage or injury might occur during what otherwise would be routine care.

6. CCS shall not authorize reimbursement for treatment services for individuals 21 years of age or over with hemophilia except as specified in 7 MCAR § 1.655 D.

D. Reimbursement for care and treatment of hemophiliacs 21 years of age or over shall be available for:

1. Blood, blood components, blood derivatives.

2. Home infusion kits.

3. Other chemical agents suitable for effective treatment in hospitals, medical and dental facilities and at home.

4. Orthopedic braces, splints and special shoes.

5. Periodic evaluation at a comprehensive care center.

E. The following services are not reimbursable under this rule for hemophiliacs 21 years of age or over:

1. Hospital care other than that hospital care necessary to provide those services as specified in 7 MCAR § 1.655 D.

2. Physician care other than that physician care necessary to provide those services as specified in 7 MCAR § 1.655 D.

3. Dental care other than that dental care necessary to provide those services as specified in 7 MCAR § 1.655 D.

4. Medical transportation.

7 MCAR § 1.656 Administrative review procedures.

A. An applicant and/or staff person may request, at any time, a review by the Administrative Review Committee of their eligibility status or cost-sharing requirement.

1. A written request for review shall be submitted to the CCS Medical Director containing the reasons for the request, the issues involved and a brief summary of any previous actions.

2. The review shall take place within 30 days of the receipt of the request. The applicant shall be notified at least 15 days in advance of the date, time and place of the review.

3. If an applicant, through no fault of his/her own, cannot attend the review and wishes to do so, the reasons should be stated in writing. CCS will then reschedule the review.

4. The applicant and/or his/her representative may be present at this review. During this review, the applicant shall have further opportunity to explain his/her circumstances.

5. CCS shall inform the applicant in writing of the decision and the grounds upon which the decision is based.

B. Formal hearing. In the event that an applicant seeks to appeal the decision of CCS, such an appeal shall be conducted by the Minnesota Department of Health pursuant to the Minnesota Administrative Procedures Act and the Rules of the Office of Hearing Examiners.

7 MCAR § 1.657 Responsibilities between CCS and service providers.

A. CCS.

1. CCS shall supply, with the written consent of the applicant, referral information to service providers for applicants authorized to receive diagnostic evaluations or treatment service(s).

2. CCS shall pay service providers at the same rates for medical, dental, and hospital care up to the maximum allowable charges established by the Minnesota Department of Public Welfare (Title XIX) pursuant to 12 MCAR § 2.047.

a. In instances where there are no established rates, CCS shall reimburse service providers at rates based upon the following criteria:

(1) Complexity of service.

(2) Time involved in completing the service.

(3) Training and skills of the service provider.

(4) Reasonableness of fees in the context of the community.

b. CCS is the payer of last resort. CCS reimbursement of treatment costs to service providers shall be made only after arrangements have been made by the service provider to collect third-party and cost-sharing payments.

3. CCS shall review reimbursement requests submitted by service providers within 45 days of receipt. This review shall be made to assure that the service(s) rendered were in keeping with those detailed on the authorization form and that arrangements have been made by the service provider for all other third-party and cost-sharing payments.

4. Potential service providers must submit their credentials to the CCS Medical Director. Those service providers who shall be utilized by CCS shall meet the following criteria and, if acceptable, indicate in writing a willingness to participate in the CCS Program in keeping with the goals and procedures of CCS:

a. Hospitals and specialized medical centers shall be approved by the Joint Commission on the Accreditation of Hospitals (JCAH) and licensed by the Minnesota Department of Health or their respective states.

b. Physicians and dentists shall:

(1) Be board-eligible or board-certified or, in the instances of dentists not certified, have demonstrated special expertise in pediatric dentistry either through the percentage of their patients, publications they have written or training, and,

(2) Be part of a multi-disciplinary group or work closely with other specialists to provide a comprehensive approach to the care of the identified handicapping conditions, and,

(3) Be licensed to practice medicine and/or dentistry in Minnesota or their respective states.

c. Other service provider personnel shall be licensed by their respective boards or associations in the State of Minnesota. Those service provider personnel whose professions do not require licensure may be utilized when they have completed the training and experience requirement specified by the individual professional association to be considered qualified and the child's treatment plan indicates their services are necessary.

d. Service provider personnel who provide a product such as hearing aids or orthopedic applicances shall be registered with the Department of Public Welfare as approved Title XIX vendors.

5. Service providers who are not approved to provide service(s) to CCS eligible children may request reconsideration of their credentials by the CCS Medical Director. In the event that a service provider seeks to appeal the decision of CCS, such an appeal shall be conducted by the Minnesota Department of Health pursuant to the Minnesota Administrative Procedures Act and the Rules of the Office of Hearing Examiners.

6. CCS shall maintain case records containing administrative medical, and case planning information. The individual case records are classified as private in keeping with the definitions and provisions of Minnesota Statute 15, Chapter 401.

B. Service providers.

1. A service provider shall receive prior written authorization before providing service to a CCS eligible child, with the exception of emergency situations as specified in Rule 7 MCAR § 1.655 B.

2. A service provider shall supply case report and cost-related information in a format as specified by CCS.

3. A service provider shall arrange for third-party reimbursement and the cost-sharing prior to billing CCS for the remaining costs. In instances where third-party reimbursements are delayed more than 90 days, a service provider may bill CCS for reimbursement and refund CCS within 90 days of the receipt of third-party reimbursements.

4. A service provider shall not charge the applicant for treatment service(s) authorized by CCS beyond the cost-sharing amount detailed on the authorization form.

ILLUSTRATION OF COST-SHARING DETERMINATION

Footnote 1

Step #1	Total of Includable Assets	$ 6,000
	−Household Member Deduction, if Applicable	−4,000
		$ 2,000
	$ _____	
Step #2	Adjusted Gross Income	$ 12,000
	+ Amount Derived in Step #1	+2,000
		$14,000
	$ _____	
Step #3	Amount Derived in Step #2	$ 14,000
	−Total of Allowable Deductions	−1,300
		$12,700
	$CCS ADJUSTED INCOME _____	

Step #4

Using the cost sharing schedule, take the percentage for the income level indicated in Step #3 and adjusted for the number of members in the household. The figure obtained from calculation equals the amount of cost-sharing an applicant will be required to share for the cost of treatment.

Number of members in the household = 4. The percentage for this income level is 2%. 2% of $12,700 = $254.00. $254.00 is the amount required for this applicant.

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Pollution Control Agency
Air Quality Division
Proposed Rule Governing Air Pollution Control Requirements During Air Pollution Episodes

Notice of Hearing

Notice is hereby given that rule hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, on Tuesday, April 17, 1979, commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day and continuing on subsequent days if necessary until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate at the rule hearing. 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. Myron Greenberg, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8109, either before or after the hearings until the record is closed. The record will remain open for five working days after the rule hearings end, or for a longer period not to exceed twenty calendar days if ordered by the Hearing Examiner. In the interest of efficiency, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Notice: The proposed rule is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

The proposed rules, if adopted, will establish criteria and procedures for the declaration by the Executive Director of the Minnesota Pollution Control Agency of air pollution episodes during which air pollutant emission reduction strategies will be required to be implemented by major air pollutant sources in the geographic area affected by the episode. The proposed rules, if adopted, will require operators of sources of sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, or nonmethane hydrocarbons having allowable emissions of 250 tons or more per year to submit air pollution episode control plans which, upon the declaration of an episode and notice to the source, will be required to be implemented during an episode.

The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. § 116.07, subd. 4 (1978).

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Douglas Benson, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

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

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

February 28, 1979

Terry Hoffman
Executive Director

Rules as Proposed (all new material)

6 MCAR § 4.0039 Emergency episodes.

A. Applicability. This rule applies to any owner or operator of any emission facility having allowable emis-

sions of air pollutants of 250 or more tons per year located within or having air pollutant emissions affecting any area within the State of Minnesota for which an air pollution alert, air pollution warning, air pollution emergency, or air pollution significant harm episode has been declared by the Director.

B. Definitions. As used in this rule, the following words shall have the meaning defined herein:

1. "Air pollutant" means particulate matter, sulfur dioxide, nitrogen oxides, photochemical oxidants, carbon monoxide or nonmethane hydrocarbons.

2. "Allowable emission" means the emission rate calculated using the maximum rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation or both, and the applicable standard of performance set forth in Agency rules or the standard set forth in the permit, whichever is more stringent.

3. "Alert level" means the concentration of pollutants, as specified in paragraph C., at which first stage control actions are to be taken.

4. "Declaration" means the formal public notification of an episode made by the Director.

5. "Director" means the Executive Director of the Minnesota Pollution Control Agency or the Director's designee.

6. "Emergency level" means that concentration of pollutants, as specified in paragraph C., at which third stage control actions are to be taken.

7. "Episode" means that period of time during which ambient air concentrations of air pollutants equal or exceed the alert level and meteorological conditions are such that the air pollutant concentrations can be expected to persist or to increase in the absence of control actions.

8. "Significant harm level" means that concentration of pollutants, as specified in paragraph C., at which fourth stage control actions are to be taken.

9. "Warning level" means that concentration of pollutants, as specified in paragraph C., at which second stage control actions are to be taken.

C. Episode levels. The level at which an air pollutant alert, warning, emergency or significant harm episode shall be declared shall be determined by Table 1.

D. Episode declaration.

1. An air pollution alert shall be declared by the Director when the Director finds that the concentration of air pollutant has reached the alert level at any monitoring site and meteorological conditions are such that the air pollutant concentration can be expected to remain at, or exceed, the alert level for 12 or more hours or, in the case of photochemical oxidants, to recur the following day at the same or higher levels unless control actions are taken.

2. An air pollution warning shall be declared by the Director when the Director finds that the concentration of any air pollutant has reached the warning level at any monitoring site and meteorological conditions are such that the air pollutant concentration can be expected to remain at, or exceed, the warning level for 12 or more hours or, in the case of photochemical oxidants, to recur the following day at the same or higher levels unless control actions are taken. An air pollution warning shall also be declared by the Director when the Director finds that the alert level concentrations for any air pollutant have persisted in the area for 48 hours and are expected to continue for the subsequent 12 hours.

TABLE 1

	SO_2 24 Hr. Avg.	Part. 24 Hr. Avg.	CO 8 Hr. Avg.	NO_2 24 Hr. Avg.	NO_2 1 Hr. Avg.	Oxidant 1 Hr. Avg.	SO_2 Part. $\mu g/m^3 \times \mu g/m^3$ 24 Hr. $\times$ 24 Hr.
ALERT	300 ppb 800 $\mu g/m^3$	375 $\mu g/m^3$	15 ppm 17 mg/m^3	150 ppb 282 $\mu g/m^3$	600 ppb 1130 $\mu g/m^3$	200 ppb 400 $\mu g/m^3$	65×10^3
WARNING	600 ppb 1600 $\mu g/m^3$	625 $\mu g/m^3$	30 ppm 34 mg/m^3	300 ppb 565 $\mu g/m^3$	1200 ppb 2260 $\mu g/m^3$	400 ppb 800 $\mu g/m^3$	261×10^3
EMERGENCY	800 ppb 2100 $\mu g/m^3$.	875 $\mu g/m^3$	40 ppm 46 mg/m^3	400 ppb 750 $\mu g/m^3$	1600 ppb 3000 $\mu g/m^3$	500 ppb 1000 $\mu g/m^3$	393×10^3
SIGN. HARM	1000 ppb 2620 $\mu g/m^3$	1000 $\mu g/m^3$	50 ppm 57.5 mg/m^3	500 ppb 938 $\mu g/m^3$	2000 ppb 3750 $\mu g/m^3$	600 ppb 1200 $\mu g/m^3$	490×10^3

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3. An air pollution emergency shall be declared by the Director when the concentration of any air pollutant has reached the emergency level at any monitoring site and meteorological conditions are such that the air pollutant concentration can be expected to remain at, or exceed, the emergency level for 12 or more hours or, in the case of photochemical oxidants, to recur the following day at the same or higher levels unless control actions are taken. An air pollution emergency shall also be declared by the Director when the Director finds that the warning level concentrations for any air pollutant have persisted in the area for 48 hours and are expected to continue for the subsequent 12 hours.

4. An air pollution significant harm episode shall be declared by the Director when the concentration of any air pollutant has reached the significant harm level at any monitoring site and meteorological conditions are such that the air pollutant concentrations can be expected to remain at, or exceed, the significant harm level for 12 or more hours or, in the case of photochemical oxidants, to recur the following day at the same or higher levels unless control actions are taken.

5. The geographical area subject to episode levels of any air pollutant shall be delineated to the extent feasible and shall be identified in the Director's declaration.

6. The Director shall terminate the episode by declaration when:

a. The measured air pollutant concentrations no longer satisfy the criteria specified in paragraph C.; and

b. The meteorological conditions indicate that there will not be a recurrence of episode levels of air pollutants within 24 hours if control actions are reduced or eliminated.

E. Control actions.

1. Notwithstanding the provisions of other rules or of any installation permit, operating permit, stipulation agreement, variances, or order of the Agency, all persons shall, upon notification by the Director or the Director's designee, comply with episode control directives issued by the Director.

2. Control directives issued to any owner or operator of an emission facility shall be based on the emission reduction plan submitted to the Director pursuant to paragraph E.3.; provided, however, that in the event that no emission reduction plan has been approved for such facility, the episode control directives shall be based upon the emission reduction objectives set forth at paragraph E.4.

3. The owner or operator of each emission facility located within the State having allowable air pollutant emissions of at least 250 tons per year shall within 90 days of the effective date of this rule submit to the Director an episode emission reduction plan to be implemented at the facility in the event of a declaration by the Director of an air pollution episode. The plan shall be consistent with the emission reduction objectives set forth in paragraph E.4. and shall designate at least two individuals to be notified in the event of the declaration of an air pollution episode. The plan shall be subject to the approval of the Director. If the Director finds that the plan is inconsistent with such emission reduction objectives the plan shall be returned to the owner or operator along with a written statement of the reason(s) for disapproval. The owner or operator shall correct the deficiency within 30 days of notification of disapproval and shall resubmit the plan to the Director.

4. For the purposes of this rule, emission reduction objectives shall be as indicated in Tables 2 through 6. In the event of episode levels of both particulate matter and sulfur dioxide the Director shall direct coal fired electric power generating facilities which pollutant is to be reduced at each facility.

TABLE 2

EMISSION REDUCTION OBJECTIVES FOR PARTICULATE

SOURCE OF AIR CONTAMINATION	AIR POLLUTION ALERT	AIR POLLUTION WARNING	AIR POLLUTION EMERGENCY
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having lowest available ash content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	a. Maximum reduction by utilization of fuels having lowest available ash content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of WarningArea.	a. Maximum reduction by utilization of fuels having lowest available ash content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal or oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having lowest available ash content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Reduction of steam load demands consistent with continuing plant operations	a. Maximum reduction by utilization of fuels having lowest available ash content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Reduction of steam load demands consistent with continuing plant operations. d. Making ready for use a plan of action to be taken if an emergency develops.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Taking the action called for in the emergency plan.
3. A — Manufacturing, processing, and mining industries. AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing continuing plant operations.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing continuing plant operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal processes which emits particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing.

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4. Refuse disposal operations.	a. Maximum reduction by prevention of open burning. b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 noon and 4:00 p.m.	a. Maximum reduction by prevention of open burning. b. Complete elimination of the use of incinerators.	a. Maximum reduction by prevention of open burning. b. Complete elimination of the use of incinerators.

TABLE 3

EMISSION REDUCTION OBJECTIVES FOR SULFUR OXIDES

SOURCE OF AIR CONTAMINATION	AIR POLLUTION ALERT	AIR POLLUTION WARNING	AIR POLLUTION EMERGENCY
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having lowest available sulfur content.	a. Maximum reduction by utilization of fuels having lowest available sulfur content.	a. Maximum reduction by utilization of fuels having lowest available sulfur content.
	b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	b. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.	b. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal or oil-fired process steam genreating facilities.	a. Substantial reduction by utilization of fuels having lowest available sulfur content.	a. Maximum reduction by utilization of fuels having the lowest available sulfur content.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Reduction of steam load demands consistent with continuing plant operations.	b. Reduction of steam load demands consistent with continuing plant operations. c. Making ready for use a plan of action to be taken if an emergency develops.	b. Taking the action called for in the emergency plan.
3. A — Manufacturing and processing industries AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
	b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.	b. Elimination of air contaminants from trade waste disposal process which emit particles, gases, vapors or malodorous substances.
	c. Reduction of heat load demands for processing consistent with continuing plant operations.	c. Reduction of heat load demands for processing consistent with continuing plant operations.	c. Maximum reduction of heat load demands for processing.

TABLE 4
EMISSION REDUCTION OBJECTIVES FOR NITROGEN OXIDES

SOURCE OF AIR CONTAMINATION	AIR POLLUTION ALERT	AIR POLLUTION WARNING	AIR POLLUTION EMERGENCY
1. Steam-electric power generating facilities.	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminant. b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant. b. Maximum reduction by diverting electric power generation facilities outside of Warning Area.	a. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Process steam generating facilities.	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminant. b. Reduction of steam load demands consistent with continuing plant operations.	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant. b. Reduction of steam load demands consistent with continuing plant operations. c. Making ready for use a plan of action to be taken if an emergency develops.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
3. A — Manufacturing and processing industries. AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing.
4. Stationary internal combustion engines.	a. Reduction of power demands for pumping consistent with continuing operations.	a. Reduction of power demands for pumping consistent with continuing operations. b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.	a. Maximum reduction by reducing power demands to absolute necessities consistent with personnel safety and preventing equipment damage. b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.

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5. Refuse disposal operations.	a. Maximum reduction by prevention of open burning. b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 noon and 4:00 p.m.	a. Maximum reduction by prevention of open burning. b. Complete elimination of the use of incinerators.	a. Maximum reduction by prevention of open burning. b. Complete elimination of the use of incinerators.

TABLE 5

EMISSION REDUCTION OBJECTIVES FOR HYDROCARBONS

SOURCE OF AIR CONTAMINATION	AIR POLLUTION ALERT	AIR POLLUTION EMERGENCY	AIR POLLUTION WARNING
1. Petroleum products storage and distribution.	a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.
2. Surface coating and preparation.	a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.
3. A — Manufacturing and processing industries. AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.

TABLE 6

EMISSION REDUCTION OBJECTIVES FOR CARBON MONOXIDE

SOURCE OF AIR CONTAMINATION	AIR POLLUTION ALERT	AIR POLLUTION EMERGENCY	AIR POLLUTION WARNING
a. A — Manufacturing industries. AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without injury to persons or damage to equipment.	Maximum reduction of air contaminants from manufacturing operataions by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
2. Refuse disposal operations.	a. Maximum reduction of air contion of open burning.	a. Maximum reduction by prevention of open burning.	a. Maximum reduction by prevention of open burning.
3. Mobile Sources	a. Voluntary reduction in unnecessary vehicle use in response to Agency advisory.	a. Maximum reduction by banning vehicle use except for emergencies.	a. Voluntary reduction in vehicle use through increased use of public transport, car pools, and van pools.

5. During the time that an air pollution episode declaration is in effect and has not been terminated, the owner or operator of any emission facility who has been directed to implement any portion of the facility's emission reduction plan shall allow the Agency, or any authorized employee or agent of the Agency, when authorized by law and upon the presentation of proper credentials to enter upon the property of the owner or operator for the purpose of obtaining information or examining records or conducting surveys or investigations pertaining to the operation of the emission facilities and the control equipment. The owner or operator shall make available on the premises to such Agency employee a copy of the episode emission reduction plan for the emission facility and shall, upon request of the Agency employee, demonstrate that the control directives issued to the owner or operator are being implemented.

F. Emergency powers.

Nothing in this rule shall be interpreted to preempt the Agency's emergency powers as provided in Minn. Stat. § 116.11 (1978) or to preclude appropriate actions from being taken by the Agency to protect the public health.

Sod houses, like this one built in the 1870s by Norwegian settlers near Madison in Lac qui Parle County, were warm in winter and cool in summer. Since few trees grew on the prairies of western Minnesota, the pioneers there built houses and sheds by cutting the thick sod into rectangular pieces and laying them like large bricks. Sometimes sod huts were built half underground or dug into the side of a hill for protection against the winter blizzards. (Courtesy of Lac qui Parle County Historical Society)

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

SUPREME COURT

Decisions Filed Friday, March 9, 1979

Compiled by John McCarthy, Clerk

49000/73 Mari Beth Graves vs. Glen Lake State Sanitorium (self-insured), Minnetonka Nursing Home, Inc., (uninsured), State Treasurer, Custodian of the Special Compensation Fund, Relator. Workers' Compensation Court of Appeals.

Minn. St. 176.101, subd. 7, authorizes reimbursement for tuition, books, and transportation expenses from an employer in addition to stated weekly retraining benefit amounts.

Affirmed. Peterson, J. Took no part, Rogosheske, J.

48678/385 Alvin Holasek, et al, Appellants, vs. First National Bank of Rochester, Rochester, Minnesota. Olmsted County.

Parties to a foreclosure action in which the priority of interests is an issue are bound by the decision as to priority and may not challenge the decision in a subsequent, separate conversion action.

Affirmed. Todd, J.

48686/39 State of Minnesota vs. Barry Ewing Beveridge, Appellant. Hennepin County.

The denial of defendant's delayed motion for a continuance to permit the substitution of counsel does not amount to an abuse of the trial court's discretion where defendant has failed to show that the denial prejudiced him by materially affecting the outcome of his trial or that the public defender was not prepared to adequately represent him, and where the state argues that a further continuance would potentially cause prejudice in the loss of its witness' testimony.

Affirmed. Todd, J.

48586/5 In the Matter of the Application of Mitchell Batinich and Janis E. Batinich, His Wife to Alter Certain of the Restrictions in the Recorded Plat of the First Division, Eastview Addition to Eveleth and to Modify Dedicated Utility Easements vs. Richard Harvey, et al, objectors, Appellants. St. Louis County.

While a declaratory judgment action is more appropriate to remove restrictions contained in a plat which runs with the land, Minn. St. 505.14 may also be used.

Although Minn. St. 505.14 may be used to bring an action to remove restrictions, the provisions of that statute for giving notice to affected property owners violates due process under the fourteenth amendment to the United States Constitution.

In an action to remove restrictions contained in a plat, all property owners within the plat must be made parties and duly served since such restrictions inure to the benefit of each property owner within the plat.

Under Minn. St. 489.49 the proper venue for the action in this case would be Virginia, Minnesota.

Reversed and remanded. Yetka, J.

48577/386 Marjorie Congdon LeRoy, a.k.a. Marjorie Congdon Caldwell, Appellant, vs. The Marquette National Bank of Minneapolis, William P. Van Evera and Thomas E. Congdon. Hennepin County.

Defendant trustees, who were accommodation parties for a promissory note, were entitled to take possession of and title to certain stock pledged by plaintiff as collateral for the note upon the trustees' payment of the indebtedness.

Affirmed. Wahl, J.

48507/389 Minnesota Loan & Thrift Company, petitioner, Appellant, vs. Commerce Commission, Department of Commerce, State of Minnesota, and Citizens Loan and Investment Company. Olmsted County.

A party seeking full scale intervention in proceedings before the Minnesota Commerce Commission, involving a prospective competitor's application for authorization to do business as an industrial loan and thrift company, generally must give timely notice of its intent to intervene by filing an appropriate petition not later than 10 days before the hearing.

Where good cause is shown for failure to give timely notice of intent to intervene, the prospective intervenor may be permitted either limited or full-scale intervention and a reasonable continuance for preparation.

Where the specific factors leading to the party's decision to intervene do not become known to the prospective intervenor until fewer than 10 days before the hearing, good cause is shown for failure to give timely notice and for limited intervention restricted to the issues directly affected by those factors.

Affirmed and matter remanded to the commission for further proceedings.

Stone, J. Took no part, Todd, J.

STATE CONTRACTS

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

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contract person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Energy Agency Conservation Division

Notice of Request for Proposals to Evaluate the MEA Energy Conservation Information Center, the NSP Telephone Hotline, and to Assist MEA in Evaluation of Other MEA Conservation Activities

The Minnesota Energy Agency and the Northern States Power Company are seeking proposals to conduct a detailed evaluation of their telephone energy conservation information centers. The evaluation will determine: how the two centers operate, perceptions of information center users concerning center personnel and the information provided, conservation actions (both behavioral and technical) taken by information center users and by non-users, the extent to which energy savings achieved by information center users can be attributed to the centers, the cost-effectiveness of the two centers, and the demographic and socio-economic differences between information center users and non-users. This evaluation will involve surveys of samples of information center users and non-users plus collection of utility bills from those sampled.

In addition, MEA plans to design and conduct evaluations of several other MEA conservation programs. MEA will need assistance from a contractor in designing survey questionnaires, in preparing survey forms, in distributing survey forms, in coding responses, in preparing data files, and in analyzing results. Much of this work will be carried out by MEA staff. However, expert advice and specialized assistance from a contractor will be needed at various stages in these evaluations.

The cost of this project will be no more than $25,000 for evaluation of the two telephone information centers, plus no more than $10,000 for assistance in the other MEA evaluation efforts. The completion date for evaluation of the two telephone centers (i.e., submission of the final report) shall be no later than five months after project authorization. The completion date for assistance to MEA in other evaluation efforts shall be no later than twelve months after project authorization.

Proposals must be received no later than 4:00 p.m. on April 9, 1979 at the Minnesota Energy Agency. All requests for copies of the Request for Proposal, questions related to this project, and the proposals themselves should be directed to:

Eric Hirst
Minnesota Energy Agency
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-0257

Minnesota State Retirement System

Notice of Availability of Actuarial Consultant Contract for Fiscal Year Ending June 30, 1980

The Minnesota State Retirement System intends to engage the services of an "approved actuary" as defined in Minn. Stat. § 352.01, subd. 15, to perform the four year investigation and actuarial valuation required by Minn. Stat. ch. 356; to prepare and submit the reports required therein; to provide consulting and advisory services to the management on technical, policy or administrative problems and to provide actuarial cost estimates of plan amendments as requested.

Estimated Cost: $35,000–$45,000
Contact Person: Paul L. Groschen, 529 Jackson, St. Paul, Minnesota 55101, Telephone No. 296-2761

Final Submission Date: April 23, 1979

Minnesota Zoological Garden

Notice of Availability of a Contract for Engineering Assistance for Structural Modification

Notice of the availability of a contract is hereby given for a qualified engineering firm to advise staff of the Minnesota Zoological Garden on necessary structural modifications resulting from design changes in existing exhibits and to assist in developing new exhibits to be built by staff.

The work will consist of consulting with staff members on the subsoil conditions of the Zoo site with concern for problems which may be encountered in altering existing structures or building new areas. Concern will be for such items as concrete slabs for animal holding areas, mesh enclosures, etc.

The estimated amount of the contract is $5,000.00. Firms desiring consideration must respond in writing by March 30, 1979.

Inquiries and letters of response should be directed to:

W. Arthur Young
Associate Director
Planning & Physical Facilities
Minnesota Zoological Garden
12101 Johnny Cake Ridge Road
Apple Valley, MN. 55124
(612) 432-9010

Pollution Control Agency Air Quality Division

Notice of Request for Proposals for Consultant Services for an Engineering Study on Visual Emissions on Boiler Stacks

The Minnesota Pollution Control Agency, Division of Air Quality is seeking proposals for a Consultant Services Contract for an Engineering Study on Visual Emissions on Boiler Stacks, not to exceed $10,000. The study is to assist the Agency in revising specific opacity standards.

The study must include: 1) A review of recent engineering studies which relate to plume opacity from fossil fuel-fired boiler stacks with particulate emission rates (e.g., Ensor-Pilat Studies); 2) An examination of mathematical relationships between plume opacity and emission rates, including such parameters as particle size, refractive index, particle size distribution and density, stack diameter, etc.; and 3) Development of specific solutions and determination of stack diameters which are related to a 20% opacity for various particulate emission rates and fuels. In addition the Contractor must be available to act as an expert witness at public hearings to be held in St. Paul, Duluth and Rochester, Minnesota during late spring, 1979.

Proposals and inquiries should be submitted to Keith Ness, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota. (Telephone number: (612) 296-7289). Final proposals must be received by 4:30 p.m., March 30, 1979.

Department of Public Welfare/Fergus Falls State Hospital

Notice of Request for Proposals for Services to be Performed on a Contractual Basis

Notice is hereby given that the Fergus Falls State Hospital, Mental Health Division, Department of Public Welfare, is seeking the following services for the period July 1, 1979, through June 30, 1980. These services are to be performed as requested by the Administration of the Fergus Falls State Hospital.

1) Services of an organization to provide sheltered workers to work in the hospital's industries in a learning experience setting. The estimated amount of the contract will not exceed $21,000.

2) Services of a Radiologist to interpret X-ray films taken by the hospital's X-ray Technician. The estimated amount of the contract will not exceed $15,000.

3) Services of an organization to provide psychiatric and chaplain personnel trained in all areas of Human Services for Mentally Ill, Mentally Retarded and Chemically Dependent. Such services to be performed at the Fergus Falls State Hospital. The estimated amount of the contract will not exceed $15,000.

Responses for the above services must be received by April 9, 1979. Direct inquiries to:

Linda A. Brill, Accounting Officer
Fergus Falls State Hospital
Box 157
Fergus Falls, MN 56537

OFFICIAL NOTICES

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

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

Department of Commerce Banking Division

Bulletin No. 2056: Maximum Lawful Rate of Interest for Mortgages for the Month of April 1979

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to Section 47.20, subd. 4, Minnesota Statutes, the Conventional Home Loan Assistance and Protection Act, hereby determines that the maximum lawful rate of interest for home mortgages for the month of April, 1979, is ten and one-half (10.50) percent.

March 9, 1979

Michael J. Pint
Commissioner of Banks

Environmental Quality Board
Power Plant Siting

Notice of Route Designation and Issuance of a Construction Permit for a 230 kilovolt (kV) High Voltage Transmission Line from Clay Boswell to Blackberry

On February 21, 1979, the Minnesota Environmental Quality Board (EQB) designated a route and issued a construction permit for a 230 kilovolt (kV) high voltage transmission line (HVTL) to be built by Minnesota Power and Light Company (MP&L). The transmission line will be constructed within the EQB designated route (illustrated on the attached county highway map) which connects nodes 1, 2, 3, 4, 5, 6 and 7.

The EQB found that the route designated would have the least environmental and human impact and would best meet the EQB criteria for insuring reliability and efficient use of resources.

In making its decision on the route the EQB considered the transcript and record of hearings held in October, 1978, the hearing officer's report, the Citizens Route Evaluation Committee recommendation and an environmental analysis.

In constructing and operating the line, MP&L is required to comply with the terms of the construction permit issued on February 21, 1979. Terms of the permit specify conditions for locating structures, right of way clearing and management including herbicide application, electrical performance standards, line construction and complaint procedures. The permit also requires that a copy of the construction permit be provided to all affected landowners prior to MP&L initiating any action to acquire right of way easements.

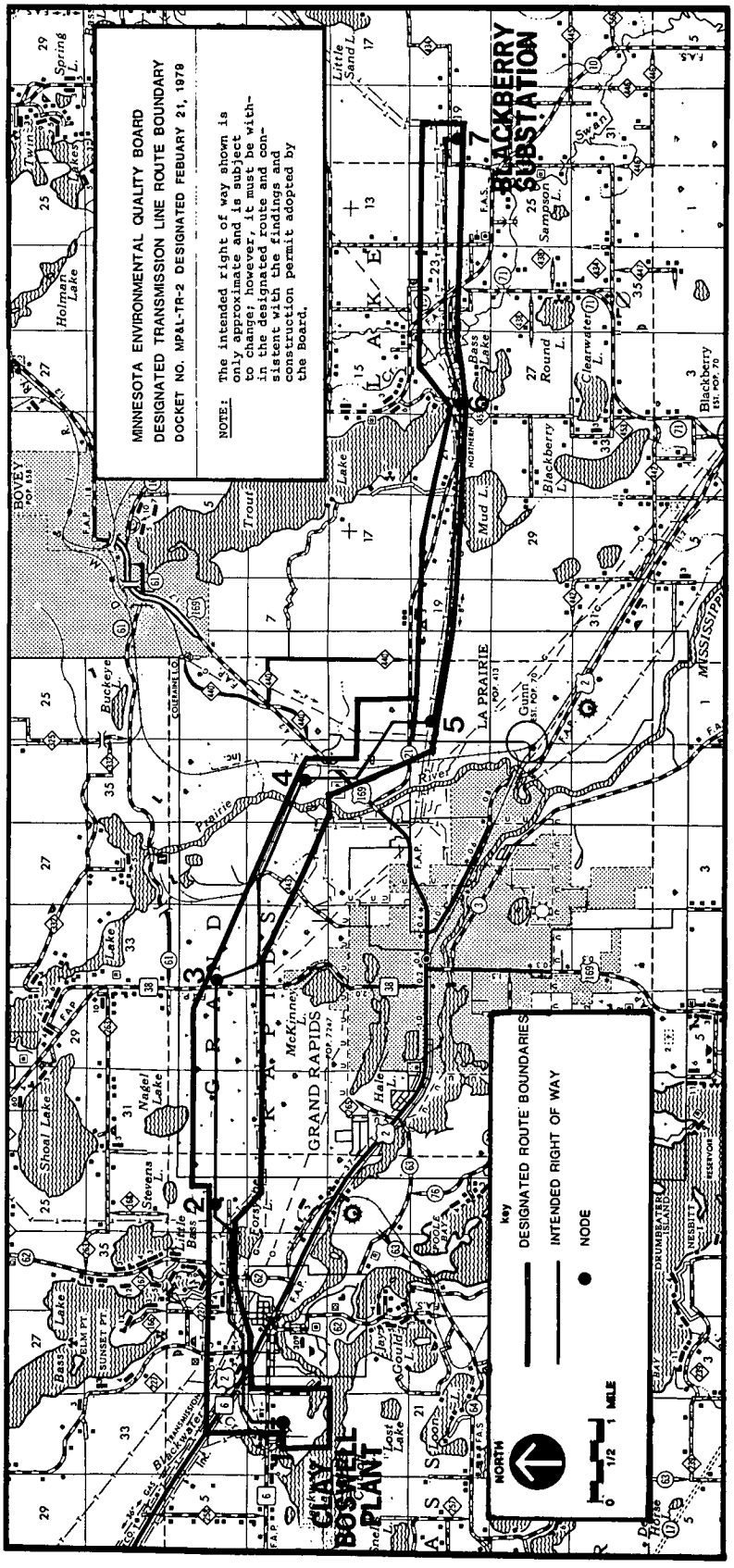
Where no existing rights of way are used, the width of the right of way shall not exceed 130 feet, except as may be required for guy wires and where danger trees must be removed. Where the proposed transmission line is parallel and adjacent to existing rights of way a 100 to 115 foot right of way is required. Where double-circuiting will be used between nodes 1 and 2 no new right of way will be required for 2.8 miles of this route segment's 3.3 mile length. Between nodes 5 and 7 where it is double-circuited a 25 foot expansion of the present right of way is necessary.

Copies of the EQB Findings of Fact and Conclusions of Law, Construction Permit and detailed topographic maps showing precise route boundaries and intended right of way will be available at the following locations after April 10, 1979: public libraries in Coleraine and Grand Rapids; offices of the Arrowhead Regional Development commission in Duluth; offices of the Itasca County Planning and Zoning Administrator; and the EQB office in St. Paul. Copies of the EQB Findings of Fact and Conclusions of Law, Construction Permit and route maps may also be obtained by contacting Lawrence Hartman, Room 100, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

If you have any questions, please call 612/296-5089.

Dated this 7th day of March, 1979.

Arthur E. Sidner, Chairman
Environmental Quality Board


MINNESOTA ENVIRONMENTAL QUALITY BOARD
DESIGNATED TRANSMISSION LINE ROUTE BOUNDARY
DOCKET NO. MPAL-TR-2 DESIGNATED FEBUARY 21, 1979
NOTE: The intended right of way shown is only approximate and is subject to change; however, it must be within the designated route and consistent with the findings and construction permit adopted by the Board.
BLACKBERRY SUBSTATION
CLAY BOSWELL PLANT
GRAND RAPIDS
LA PRAIRIE
MISSISSIPPI
key
DESIGNATED ROUTE BOUNDARIES
INTENDED RIGHT OF WAY
NODE
NORTH
MILE

Minnesota Sentencing Guidelines Commission

Notice of Regional Public Meetings

The Minnesota Sentencing Guidelines Commission is pleased to announce the following schedule for regional public meetings it will be conducting around the state over the next five months. The purpose of these meetings is to provide a forum for exchange of information about the work of the Commission. Specifically, we are concerned about the potential impact which a new system of sentencing may have on all aspects of the criminal justice system, and we want to ensure that everyone has an opportunity to voice their feelings and comment on the issues prior to development of the actual guidelines.

March 22	Minneapolis	Hennepin Gov't Center Auditorium
April 19	Detroit Lakes	Court House (Commissioners Mtg. Rm)
May 10	Albert Lea	City Hall, Multi-Purpose Room
June 14	Duluth	Normandy Inn
July 10	St. Paul	Metro Council Chambers

The locations for these meetings were selected based on the responses we received to a questionnaire sent to over sixty organizations representing various aspects of the judicial, correctional and law enforcement fields, as well as academic, minority and special interest groups.

Persons desiring additional information about these meetings, or who would like to be placed on our mailing list, should contact Linda K. Anderson, Program Coordinator, Suite 284 Metro Square Bldg., St. Paul, MN 55101 (612) 296-7508.

Public Service Commission

Notice of Intent to Solicit Outside Opinion Concerning Rules Governing Interruptions of Utility Service During Winter Months

Notice is hereby given that the Public Service Commission is considering amending its present cold weather rule (4 MCAR § 3.0299) to preclude public utilities from discontinuing utility service of any residential utility customer during the winter months without the customer's consent unless permitted to do so by the Commission upon a showing of good cause. The proposed rule may also include requirements for customers to make minimum payments based upon financial ability.

Other issues which will be considered include:

a. definition of "residential customer" (space-heating only, single family only, apartments, number of units, etc.)

b. definition of "termination" or "disconnection" (curtailment for supply or operational reasons excluded, etc.)

c. conflict with other rules (e.g. landlord-tenant rule)

d. impact on collection procedures or costs

e. impact on bad debt losses

f. impact on working capital requirements

g. coordination with disconnect-reconnect charges

h. coordination with appropriate late payment penalty provisions

i. impact of uncollected revenues on other customers

j. how to deal with customers disconnected after April 1 who are still delinquent on November 1

k. standards to determine ability to pay as a criterion for disconnection

l. provision for variances or suspension of the rule or portions thereof in order to comply with federal requirements for emergency assistance

All statements and information received will be included in the public record of any rules hearing held on this subject. Information should be addressed to:

Stephen A. Finn, Acting Secretary
Minnesota Public Service Commission
Seventh Floor, American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

and should be received no later than April 13, 1979.

March 5, 1979

Stephen A. Finn
Acting Secretary

ERRATA

Department of Administration, Building Code Division, Adopted Rules for Energy Conservation Standards for Existing Residences, published at *State Register*, Volume 3, Number 36, pp. 1711-1715, on March 12, 1979, contained the following errors:

1. At 3 S.R. 1711, the "D" in "~~D~~D" should be underlined.

2. At 3 S.R. 1713, the "7" in "2 MCAR § 1.162067." should be struck out.

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