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# STATE REGISTER

STATE OF MINNESOTA

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### 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 5			
34	Monday Feb 9	Friday Feb 13	Monday Feb 23
35	Friday Feb 13	Monday Feb 23	Monday Mar 2
36	Monday Feb 23	Monday Mar 2	Monday Mar 9
37	Monday Mar 2	Monday Mar 9	Monday Mar 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 and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

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

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

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## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

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# PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## State Board of Education Department of Education Special Services Division

### Proposed Rules Governing the Licensure of Supervisory and Support Personnel (5 MCAR §§ 1.0523-1.05361)

#### Notice of Intent to Adopt Rules without A Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subdivision 4h (1980).

The proposed rules govern licensure standards and procedures for supervisory and support personnel, as authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2, which establishes authority for the State Board of Education to license supervisory and support personnel. For the purpose of licensure, supervisory and support personnel, as defined by Minn. Stat. § 125.03, as amended by Laws of 1980, ch. 345, § 1, includes superintendents, principals, professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, as well as counselors, school nurses, athletic coaches, and other professional employees who engage primarily in nonclassroom activities. The term does not include librarians, school psychologists, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, or speech therapists.

Proposed rules 5 MCAR §§ 1.0523-1.0528 establish procedures for the issuance, renewal, suspension, and revocation of licenses for school counselors, school nurses, athletic coaches, reading consultants, and supervisory and consultative personnel.

Proposed rules 5 MCAR §§ 1.0529-1.05361 govern standards of licensure for school counselors, school nurses, athletic coaches, reading consultants, and supervisory and consultative personnel. These proposed rules are essentially the same as rules which were in effect prior to the establishment of authority for the State Board of Education to license supervisory and support personnel. The only changes being proposed at this time relate to the authority of the State Board of Education to license supervisory and support personnel, as authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

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

## PROPOSED RULES

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Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

George B. Droubie, Manager  
Personnel Licensing and Placement  
610 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
Telephone: (612) 296-2046

Authority for the adoption of these rules is contained in Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from George B. Droubie upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to George B. Droubie.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting George B. Droubie.

Howard B. Casmev  
Secretary

### Rules as Proposed (all new material)

#### Chapter Twenty-Seven A: Licensure of Supervisory and Support Personnel: Issuance, Suspension, and Revocation

##### 5 MCAR § 1.0523 Issuance and renewal of licenses.

A. Licenses valid for supervision, counseling, nursing, and coaching in Minnesota schools shall be granted to persons who meet all requirements of applicable statutes and rules and who complete programs approved by the Commissioner of Education leading to licensure in Minnesota institutions which are approved by the Minnesota Board of Teaching pursuant to 5 MCAR § 3.140 to prepare persons for licensure.

B. An applicant must qualify separately for each licensure area for which application is made and provide evidence of satisfactory completion of a program in such licensure area which has been approved by the Commissioner of Education.

C. All licenses shall be issued and/or renewed in accordance with criteria established in Rules of the State Board of Education and shall be valid for the period of time specified in this rule.

D. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date licensure was approved. Applications for renewal shall be accepted by the Commissioner of Education after January 1 of the year of expiration; provided, however, that the renewal period shall commence on July 1 of the year of expiration. After July 1 in the year of expiration, all licenses not renewed shall be deemed expired and no longer valid.

E. Each application for the issuance and/or renewal of a license shall be accompanied by a processing fee in the amount of \$20.00. The processing fee shall be nonrefundable for applicants not qualifying for a license, except the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

F. The initial license which shall be issued in any licensure area is an entrance license, valid for two years, except as provided in provisions H. and I. of this rule.

G. When one school year of experience is not completed prior to the expiration of an entrance license, another entrance license in that licensure area shall be issued upon application. If an entrance license in any licensure area is allowed to lapse, it shall be renewed, upon application, until the applicant has had one school year of experience while holding a valid entrance license after which time an applicant must qualify for a continuing license.

H. An applicant who completes at least one school year of experience in a licensure area while holding an entrance license shall be issued a continuing license, valid for five years. When a licensure area is added to a continuing license already in force, a continuing license is issued, and the expiration date becomes that already established for the continuing license in force.

I. An applicant who holds a life license who subsequently completes an approved program in an additional licensure area shall be issued a continuing license, valid for five years for the additional licensure area.

J. A continuing license, valid for five years, shall be renewed upon application according to renewal provisions enumerated in the specific licensure Rules of the State Board of Education for the license being renewed.

K. Except as provided in 5 MCAR § 1.05361 D., if a continuing license in any area is allowed to lapse, one of the following shall be issued:

1. A continuing license based upon verification that the applicant has met renewal requirements during the five-year period immediately preceding the application, or

2. A continuing license based upon evidence that the applicant has earned at least 12 quarter or 8 semester hours of credit in the licensure area for which application is being made, which have been earned during the five-year period immediately preceding the application, or

3. A one-year renewal of the lapsed continuing license based upon evidence that the applicant has been offered a position contingent upon holding a valid license. In order to qualify for a continuing license at the end of one year, the applicant shall provide evidence that renewal requirements have been met or that at least 12 quarter or 8 semester hours of credit have been earned in the licensure area for which application is being made during the five-year period immediately preceding the date of application for the continuing license.

#### 5 MCAR § 1.0524 Suspension and revocation of licenses.

A. The license of an administrator, supervisor, counselor, nurse, or coach may be revoked or suspended for any of the following causes:

1. Immoral character or conduct;
2. A breach of contract of employment without justifiable cause;
3. Overall gross inefficiency or willful neglect of duty;
4. Fraud or misrepresentation in obtaining a license;
5. Conviction of a felony which directly relates to the occupation for which licensure is held.

B. The State Board of Education may act to suspend or revoke the license of a person whose license was granted by the State Board of Education after the following procedures have been followed:

1. A written complaint which specifies the nature and character of the charges against the licensee is filed with the State Board of Education by either the school board employing the person or by the Commissioner of Education.

2. The Commissioner of Education, within 10 calendar days after the filing of the complaint with the State Board of Education, serves a copy of the complaint upon the licensee by certified mail addressed to such licensee at the last known address.

3. The licensee, within 20 calendar days after the service of the copy of charges, files with the State Board of Education an answer to the charges specified. The failure to answer within the 20 calendar day period shall result in the right to a hearing being waived.

4. A hearing conducted in accordance with the rules of the Office of Administrative Hearings shall be held.

#### 5 MCAR § 1.0526 Approval of licensure programs.

A. Institutions which have been approved by the Minnesota Board of Teaching pursuant to 5 MCAR § 3.140 to prepare persons for licensure may request approval by the Commissioner of Education of licensure programs in supervision, counseling, and coaching. Such programs shall be evaluated for initial approval and thereafter shall be audited for continuing approval in accordance with the provisions of this rule.

B. Each institution shall forward from the administrator of the defined administrative and instructional unit of that institution to the Commissioner of Education a program description for each licensure program for which approval is requested. The licensure program description shall include:

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

## PROPOSED RULES

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1. A statement which verifies the institutional commitment to the licensure program.
2. A description of the organizational structure of the institution and procedures for implementing the licensure program.
3. A description of the role for which persons who enroll in the licensure program are being prepared.
4. An enumeration of the specific knowledge, skills, and understandings to be achieved by persons completing the licensure program.
5. A description of the licensure program which relates individual program components to the knowledge, skills, and understandings to be achieved by persons completing the licensure program.
6. A description of the systematic procedure for evaluation of the licensure program which assures that all requirements for licensure have been met by all persons recommended for licensure.
7. A specific identification of the plans for assessing the performance of each person who is to be judged as having successfully completed the licensure program.

8. Evidence that the licensure program forwarded for approval has been developed with participation from the college departments involved with the licensure program, licensed practicing education personnel, school administrators, and interested citizens.

9. A description of the procedures to establish and maintain an internal process for systematic evaluation of the licensure program.

C. Each program description forwarded to the Commissioner of Education by an institution for each licensure program for which approval is requested shall include evidence that:

1. Rules of the State Board of Education governing the licensure program are met.
2. Necessary faculty and physical resources are allocated to implement and maintain the licensure program.
3. Adequate supervision for practicum experiences required by individual licensure rules is provided.

D. Before initial approval for the licensure program is granted, State Department of Education staff or persons designated as program auditors by the Commissioner of Education may visit the institution to examine the licensure program for the purpose of verifying the program description and making a recommendation regarding approval status. During the operation of an approved licensure program, an audit visit to verify that the approved program meets the provisions of this rule may be arranged in consultation with the institution. Program auditors shall forward a written report of their findings to the Commissioner of Education and to the institution.

E. State Department of Education staff or persons designated as program auditors by the Commissioner of Education in consultation with the institution shall make audit visits on a five-year cycle to verify program descriptions and to make a recommendation regarding approval status of each licensure program. Reimbursement of travel, food, and lodging expenses for program auditors shall be in accordance with Minnesota state rules.

F. Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Commissioner of Education shall:

1. Grant initial approval, or
2. Grant continuing approval, or
3. Grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions, or
4. Disapprove the licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program.

G. If a licensure program is conditionally approved, the Commissioner of Education shall reconsider the approval status of the licensure program upon verification that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn.

H. Licensure programs which vary in curricular design shall be approved provided that program components meet the criteria for approval set forth in this rule.

I. When an institution makes revisions in an approved licensure program, the administrator of the defined administrative and instructional unit of that institution shall forward to the Commissioner of Education a written description of the licensure program revision. An audit shall be made to verify that the revised licensure program continues to meet Rules of the State Board of Education. Each verified licensure program revision shall become an amendment to the approved licensure program.



J. The Commissioner of Education may revoke or suspend the approval of a licensure program when the Commissioner of Education determines that an approved licensure program no longer meets the provisions of this rule.

**5 MCAR § 1.0527 Persons prepared in states other than Minnesota.**

A. Minnesota licenses shall be granted to persons (a) who otherwise meet applicable statutory requirements and (b) who complete programs leading to licensure in colleges and universities located outside Minnesota. Such licenses shall be granted only in licensure fields for which the State Board of Education has established rules governing programs leading to licensure. Such licenses shall be issued according to either 1. or 2. as follows:

1. Persons who complete approved programs in colleges and universities leading to licensure within states which have signed contracts with Minnesota according to the provisions of the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota entrance license. No licenses shall be issued on the basis of teaching experience only.

2. Persons who complete programs leading to licensure in colleges and universities within states which have not signed contracts with Minnesota according to the provisions of the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota entrance license when all of the following criteria are met:

a. The college or university is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools.

b. The program leading to licensure has been recognized by the state as qualifying the applicant completing the program for such licensure within that state.

c. The program leading to licensure completed by the applicant is essentially equivalent in content to approved programs offered by Minnesota colleges and universities according to the Rules of the State Board of Education governing the licensure field.

d. The college or university which offers the program leading to licensure verifies that the applicant has completed an approved licensure program at that institution and recommends the applicant for a license in a licensure field at a licensure level.

B. Notwithstanding the rule governing human relations, persons who have been prepared for licensure in states other than Minnesota shall be granted a Minnesota entrance license based upon the provisions of this rule.

**5 MCAR § 1.0528 Human relations requirement.**

A. All applicants for licenses to be issued or renewed under authority of the State Board of Education shall complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license seeks to be licensed, or to have a license renewed, in an area for which the person does not hold a life license. Persons from outside Minnesota who wish to be licensed must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the Commissioner of Education.

B. Human relations components of programs which lead to licensure in education under authority of the State Board of Education shall be approved upon submission of evidence:

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

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

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

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

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

d. Respect human diversity and personal rights.

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

4. Indicating means for assessment of competencies.

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# PROPOSED RULES

## Rules as Amended

### 5 MCAR § ~~3.102~~ 1.0529 School counselors, secondary.

A. All candidates recommended for licensure as a school counselor, secondary, shall complete all requirements of 1.a., 1.b., 1.c., 1.d., 1.e., of this rule or all requirements of 2.a., 2.b., 2.c., 2.d., 2.e., of this rule. Sections A.1. and A.2. of this rule are mutually exclusive.

1. Qualifications for licensure.

a. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary school counselor preparation program approved by the ~~Minnesota board of teaching~~ Commissioner of Education.

b. Have satisfactorily completed practica in school guidance and counseling at the secondary school level. Practica shall be in a secondary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 1.d. of this rule.

c. Hold a valid Minnesota secondary classroom teaching license.

d. Have completed one year of secondary classroom teaching experience. Candidates holding a valid Minnesota secondary classroom teaching license but who have not completed one year of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the secondary school level. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

2. Alternative qualifications for licensure. (Experimental program.)

a. Have completed at least a baccalaureate degree program from a teacher preparation institution which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools.

b. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary school counselor preparation program approved by the ~~Minnesota board of teaching~~ Commissioner of Education.

c. Have satisfactorily completed practica in school guidance and counseling at the secondary school level. Practica shall be in a secondary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 2.d. of this rule.

d. Have satisfactorily completed a full-time guidance and counseling internship from a school guidance and counseling program approved by the ~~Minnesota board of teaching~~ Commissioner of Education which includes the completion of course work and experiences in curriculum, school organization and philosophy of education and experiences in a secondary school. The internship shall be completed in one full school year and shall include the equivalent of at least one quarter of classroom experience. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

B. In addition to meeting the requirements in A.1. or A.2. of this rule, all candidates recommended for licensure as school counselor shall have completed a graduate level program in school guidance and counseling approved by the ~~Minnesota board of teaching~~ Commissioner of Education containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with adolescents and adults.

b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.

c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:

- (1) Ability to differentiate feelings
- (2) Recognition of strengths and limitations
- (3) Awareness of alternatives and their implications
- (4) Ability to make decisions and value choices and accept responsibility for them
- (5) Skill in open interpersonal communication including non-verbal behavior, and
- (6) Acquisition of coping skills.

d. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.

e. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.

f. The understanding of cultural differences.

2. Consulting.

a. The knowledge of a variety of consultation models and their application in practice in secondary schools.

b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of secondary students.

c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and the attitudes as related to educational and career planning, academic achievement, personal-social development, and total school progress.

d. The knowledge and ability to make referrals to community agencies and utilize businesses, educational institutions, and other helping professionals.

e. The knowledge and ability to utilize results of evaluative studies including follow-up as a consultant in program development and/or revision at the secondary level.

f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum and employability skills training in the classroom.

g. The knowledge and ability to design, initiate, and conduct in-service training programs for staff personnel relative to development of adolescents.

3. Developmental-career guidance.

a. The understanding of the basic principles of child and adolescent growth and development, including physical, emotional, cognitive, ego, moral, career, and social.

b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.

c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.

d. The knowledge and ability to assist students, individually and/or in groups, in exploring educational and occupational information in view of their aptitudes, interests, and personal-social needs in choosing career and avocational goals.

e. The knowledge of educational, occupational, and employment trends for purposes of assisting students in program planning and selection.

f. The ability to assist in the coordination of educational and job placement for students, graduates, and school leavers.

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### 4. Evaluation and assessment.

- a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in the cognitive, affective, psychological, and social aspects of adolescents.
- b. The knowledge of, and the ability to use, a variety of evaluation procedures including follow-up studies for individual and institutional decision-making.
- c. The ability to assist students and parents to use information derived from educational measurement including career and vocational assessment services in planning and decision-making.
- d. The knowledge and ability to identify and assess secondary student developmental needs.

### 5. Guidance program development, coordination, and management.

- a. The knowledge and ability to formulate guidance and counseling program goals and priorities.
- b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.
- c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.
- d. The knowledge of organizational theory relating to change and humanization of social systems.
- e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.
- f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.

### C. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid entrance license as a secondary school counselor, and
2. One year of experience as a secondary school counselor.

D. The continuing license shall be renewed according to the rules of the Board of Teaching pertaining to continuing education.

E. All persons holding a license as a secondary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the Board of Teaching.

F. All programs for preparation of school counselors shall be submitted for approval to the ~~Minnesota board of teaching~~ Commissioner of Education and shall include a description of the procedures by which persons who hold elementary school counselor entrance, continuing, or life licensure and wish to be licensed as a secondary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Applicants shall be recommended for licensure as a secondary school counselor according to provision F. of this rule.

G. An institution applying to the ~~board of teaching~~ Commissioner of Education for approval of its counselor education program according to the provisions of this rule must forward a program description in accordance with 5 MCAR § ~~3.141~~ 1.0526 B. and C. The form utilized by the institution for the internship agreement according to provision A.1.d. or A.2.d. of this rule must accompany the program description.

H. In addition to G., above, an institution applying for approval of its counselor education program to recommend candidates for licensure according to provision A.2. of this rule, must forward a program description which shall include:

1. A definite time limit for the experiment not to exceed 5 academic years and 25 students admitted to the program;
2. Clearly defined selection criteria for students admitted to the program;
3. A statement which describes the research design and evaluation procedures to be used by the institution in determining the effectiveness of the program; and
4. A plan for submitting the experimental results to the ~~board of teaching~~ Commissioner of Education.

I. Programs shall be approved which vary in curricular design provided that program components meet the requirements in G. or H., above, and that these components will provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.

J. This rule is effective July 1, 1982, for all applicants for entrance licenses.

**5 MCAR § ~~3-1021~~ 1.05291 Counselors, secondary schools.****A. Qualifications for license:**

1. A valid license to teach in the public schools of Minnesota based on a bachelor's degree from an accredited teacher preparing institution.
2. Completion of a program of counselor education leading to a master's degree or its equivalent (45 quarter hours of graduate work).
  - a. At least one course or its equivalent shall be taken in each of the seven areas listed below:
    - Principles and practices in guidance
    - Personality structures and mental hygiene
    - Measurement and research methods
    - Appraisal techniques
    - Occupational and training information and material
    - Counseling procedure
    - Practice in guidance and counseling; and
  - b. At least one course shall be chosen from the following areas:
    - Group guidance
    - Organization and administration of guidance services
    - Psychology of learning
  - c. Not more than six credits earned in courses selected in (a) and (b) above may be undergraduate credits.
3. At least one year of successful teaching experience (two or more years preferred).
4. Minimum of one year of cumulated work experience outside of education (two or more years experience in several occupational areas preferred).

**B. Renewal requirements. See § ~~3-001~~. The continuing license shall be renewed according to provisions of 5 MCAR § 3.005 continuing education/relicensure.**

**C. Provisional license. A provisional license will be granted to counselors for two years who meet all professional requirements above with the exception of A.4. This license may be renewed every two years upon presentation of evidence that the counselor has accumulated 400 hours (10 weeks) of cumulated work experience outside of education. When the counselor has accumulated 2,000 hours (one year) of work experience he will be eligible for the counselor's license subject to the renewal requirements in 5 MCAR § ~~3-001~~ 3.005.**

**D. This rule shall remain in effect until July 1, 1982, at which time this rule shall be repealed without further action by the State Board of Education.**

**5 MCAR § ~~3-103~~ 1.0530 School counselors, elementary.**

**A. All candidates recommended for licensure as a school counselor, elementary, shall complete all requirements of 1.a., 1.b., 1.c., 1.d., 1.e., of this rule or all requirements of 2.a., 2.b., 2.c., 2.d., 2.e., of this rule. Sections A.1. and A.2. of this rule are mutually exclusive.**

**1. Qualifications for licensure.**

- a. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the ~~Minnesota board of teaching~~ Commissioner of Education.
- b. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be in an elementary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 1.d. of this rule.

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

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c. Hold a valid Minnesota elementary classroom teaching license.

d. Have completed one year of elementary classroom teaching experience. Candidates holding a valid Minnesota elementary classroom teaching license but who have not completed one year of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the elementary school level. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

### 2. Alternative qualifications for licensure. (Experimental program.)

a. Have completed at least a baccalaureate degree program from a teacher preparation institution which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools.

b. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the ~~Minnesota board of teaching~~ Commissioner of Education.

c. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be in an elementary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 2.d. of this rule.

d. Have satisfactorily completed a full-time guidance and counseling internship from a school guidance and counseling program approved by the ~~Minnesota board of teaching~~ Commissioner of Education which includes the completion of course work and experiences in curriculum, school organization and philosophy of education and experiences in an elementary school. The internship shall be completed in one full school year and shall include the equivalent of at least one quarter of classroom experience. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

B. In addition to meeting the requirements in A.1. or A.2. of this rule, all candidates recommended for licensure as school counselor shall have completed a graduate level program in school guidance and counseling approved by the ~~Minnesota board of teaching~~ Commissioner of Education containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

#### 1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with children and adults.

b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.

c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:

(1) Ability to differentiate feelings.

(2) Recognition of strengths and limitations.

(3) Awareness of alternatives and their implications.

(4) Ability to make decisions and value choices and accept responsibility for them.

(5) Skill in open interpersonal communication including non-verbal behavior, and

(6) Acquisition of coping skills.

d. The knowledge and ability to use play media for guidance and assessment.

e. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.

- f. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.
  - g. The understanding of cultural differences.
2. Consulting.
- a. The knowledge of a variety of consultation models and their application in practice in elementary schools.
  - b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of elementary students.
  - c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to personal-social development, total school progress, academic achievement, and educational planning and career awareness.
  - d. The knowledge and ability to make referrals to community agencies, utilize businesses, educational institutions, and other helping professionals.
  - e. The knowledge and ability to utilize results of evaluative studies as a consultant in program development and/or revision at the elementary level.
  - f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum in the classroom.
  - g. The knowledge and ability to design, initiate, and conduct in-service training programs for staff personnel relative to development of children.
3. Developmental-career guidance.
- a. The understanding of the basic principles of child development, including physical, emotional, cognitive, ego, moral, career, and social.
  - b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.
  - c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.
  - d. The knowledge and ability to assist students in personal-social needs and career awareness.
4. Evaluation and assessment.
- a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in cognitive, affective, and psychomotor domains of children.
  - b. The knowledge of, and the ability to use, a variety of evaluation procedures for individual and institutional decision making.
  - c. The ability to assist students and parents to use information derived from educational measurement in planning and decision making.
  - d. The knowledge and ability to identify and assess developmental needs of children.
5. Guidance program development, coordination, and management.
- a. The knowledge and ability to formulate guidance and counseling program goals and priorities.
  - b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.
  - c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.
  - d. The knowledge of organizational theory relating to change and humanization of social systems.
  - e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.

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f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.

C. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid entrance license as an elementary school counselor, and
2. One year of experience as an elementary school counselor.

D. The continuing license shall be renewed according to the rules of the Board of Teaching pertaining to continuing education.

E. All persons holding a license as an elementary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the Board of Teaching.

F. All programs for preparation of school counselors shall be submitted for approval to the ~~Minnesota board of teaching~~ Commissioner of Education and shall include a description of the procedures by which persons who hold secondary school counselor entrance, continuing, or life licensure and wish to be licensed as an elementary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Applicants shall be recommended for licensure as an elementary school counselor according to provision F. of this rule.

G. An institution applying to the ~~board of teaching~~ Commissioner of Education for approval of its counselor education program according to the provisions of this rule must forward a program description in accordance with 5 MCAR § ~~3-141~~ 1.0526 B. and C. The form utilized by the institution for the internship agreement according to provision A.1.d. or A.2.d. of this rule must accompany the program description.

H. In addition to G., above, an institution applying for approval of its counselor education program to recommend candidates for licensure according to provision A.2. of this rule, must forward a program description which shall include:

1. A definite time limit for the experiment not to exceed 5 academic years and 25 students admitted to the program;
2. Clearly defined selection criteria for students admitted to the program;
3. A statement which describes the research design and evaluation procedures to be used by the institution in determining the effectiveness of the program; and
4. A plan for submitting the experimental results to the ~~board of teaching~~ Commissioner of Education.

I. Programs shall be approved which vary in curricular design provided that program components meet the requirements in G. or H., above, and that these components will provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.

J. This rule is effective July 1, 1982, for all applicants for entrance licenses.

### 5 MCAR § ~~3-103~~ 1.05301 Counselors, elementary schools.

A. Qualifications for license.

1. A valid license to teach in the public elementary schools of Minnesota based on a baccalaureate degree from an accredited teacher preparing institution, and

2. One year of successful elementary teaching experience, and

3. Completion of a master's degree from a recognized graduate school in a program approved by the State Department of Education which in no event consists of fewer than 54 quarter hours at the graduate level. As part of its program each institution of higher education must submit for approval by the State Department of Education a statement of competencies to be developed, and relate these expected competencies to components in its program. Competencies must be developed in all of the following areas:

- Coordination
- Counseling
- Consultation
- Developmental guidance
- Diagnosis
- Human relations.

4. Candidates who satisfactorily meet the foregoing requirements will receive a two-year license for elementary school counselors.



**B. Renewal requirements.**

1. The two-year license may be renewed for five years when six additional quarter credits in related competency areas have been completed and when one year of successful elementary counseling experience has been completed.

2. Five-year licenses may be renewed according to general rules of the Board of Teaching pertaining to continuing education.

C. This rule shall remain in effect until July 1, 1982, at which time this rule shall be repealed without further action by the State Board of Education.

**5 MCAR § ~~3-114~~ 1.0531 Counselors in middle schools.**

A. A school counselor in a middle school shall hold a valid Minnesota elementary school counselor license or secondary school counselor license. In addition, except as provided in B. of this rule, a school counselor in a middle school shall complete a preparation program, approved by the ~~board of teaching~~ Commissioner of Education, leading to the licensure of middle school counselors.

1. A school counselor holding a valid Minnesota elementary school counselor license shall complete an approved program leading to the licensure of middle school counselors consisting of a minimum of 10 quarter hours or the equivalent. Such programs shall include all of the following areas:

- a. Philosophy and organization of the middle school.
- b. Adolescent psychology.
- c. Developmental-career guidance, as enumerated in provision B.3. of 5 MCAR § ~~3-102~~ 1.0529, and
- d. Counseling practicum with adolescents.

2. A school counselor holding a valid Minnesota secondary school counselor license shall complete an approved program leading to the licensure of middle school counselors consisting of a minimum of 10 quarter hours or the equivalent. Such programs shall include all of the following areas:

- a. Philosophy and organization of the middle school
- b. Pre-adolescent psychology
- c. Developmental-career guidance, as enumerated in provision B.3. of 5 MCAR § ~~3-103~~ 1.0530, and
- d. Counseling practicum with pre-adolescents.

B. Provisions of this rule shall not be interpreted to prevent a school counselor from counseling in a middle school at those grade levels for which valid Minnesota school counselor licensure is held or require such counselor to secure additional licensure to continue to counsel at those grade levels in a middle school for which valid Minnesota school counselor licensure is held.

C. Minnesota colleges and universities approved to prepare school counselors and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school counselors submitted for approval have been developed with participation from elementary and secondary counselors, middle school administrators, students, and interested citizens. Such programs shall also include:

1. A statement of philosophy which sets forth the view of the institution with respect to the middle school.
2. An enumeration of the specific knowledge, skills, and understandings to be developed in the proposed program.
3. A description of program components which includes statements specifically relating individual components of the program to the philosophy and outcomes enumerated under 1. and 2., above.
4. A plan for assessing learning outcomes for individual candidates for licensure.

D. All approved programs leading to middle school counselor licensure shall include a description of the way in which practicing counselors may have their school counseling experience and school counselor preparation in those areas enumerated in A., above, evaluated and credited by an institution maintaining an approved program leading to middle school counseling licensure. Such evaluation may include previous school counseling experience and/or previous school counselor preparation.

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E. Applicants holding a valid Minnesota elementary or secondary school counselor entrance license shall be issued an entrance middle school counselor license upon the completion of the requirements of A.1. or 2. of this rule.

F. Applicants holding a valid Minnesota elementary or secondary school counselor continuing or life license shall be issued a continuing middle school counselor license upon the completion of the requirements of A.1. or 2. of this rule.

G. The first and subsequent continuing middle school counseling licenses shall be issued to applicants who have completed the requirements of A.1. or 2. of this rule and who meet the requirements of the Board of Teaching for the issuance of the first and/or subsequent Minnesota elementary or secondary school counselor continuing licenses.

H. Until July 1, 1983, any person licensed by the Minnesota State Board of Teaching Education as a school counselor for any of the grade levels in a middle school where the person is assigned as a school counselor is granted authority to counsel at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

I. Except for provision H., all provisions of this rule shall become effective July 1, 1983.

**5 MCAR § 3-106.1.0532 School nurse.** The provisions of this rule shall apply only to persons who are required to be licensed by the Minnesota Board of Nursing to perform those services being rendered or which shall be rendered by them in a Minnesota public school.

A health service nurse holding a vocational license according to the state plan for vocational education and practicing at the post-secondary level is exempt from the provisions of this rule.

A. The State Board of Teaching Education shall grant licenses as school nurse to applicants who meet the requirements of ~~§ 3-106 this rule~~ which follow. ~~All~~ Any persons employed as a nurses by a school districts shall hold a valid Minnesota license as a school nurse.

B. A license as school nurse, valid for two years, shall be granted to an applicant who provides evidence to the ~~director~~ manager of teacher licensure that the following requirements have been met:

1. A baccalaureate degree from a regionally accredited college or university, and
2. Current Minnesota registration to practice as a licensed registered nurse, and certification as a Minnesota public health nurse, and
3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:
  - a. Child growth and development.
  - b. Public health.
  - c. Special education.

C. Issuance of the first five-year license.

1. An applicant holding a valid two-year license as a school nurse shall be granted a five-year license after one year of successful experience.

D. The five-year continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education.

E. Maintaining licensure.

1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.

2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.

F. Effective date: July 1, 1981.

G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a license as school nurse, valid for two years, shall be granted to an applicant who fulfills the following requirements:

1. Current registration to practice as a licensed registered nurse in Minnesota, and
2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1981.
3. The first five-year license shall be issued:
  - a. After one year of successful experience while holding the two-year license, and

- b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:
- Child growth and development
  - Public health
  - Special education, and

a minimum of 12 quarter hours, or the equivalent, of additional work in two or more of the following fields:

- Health curriculum
- School health or school nursing
- Public health
- Special education
- Educational psychology (not including the approved human relations program)

- c. Completion of a human relations program approved by the ~~board of teaching~~ Commissioner of Education.

4. The first five-year license shall be issued to applicants who have completed a., b., and c., above. If an applicant has been unable to complete requirements set forth in b. and c., above, during the period of the initial two-year license, not more than one additional two-year license shall be granted during which time requirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.

5. The five-year continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education.

6. In order to retain licensure as a school nurse current registration as a registered nurse must be maintained at all times. Lapse of such registration shall be grounds for revocation of licensure as a school nurse.

7. The provisions of section G. shall be in effect until July 1, 1983, when section G. shall be deleted from ~~§ 3-106~~ this rule without further action by the State Board of ~~teaching~~ Education and all applicants shall, from that date forward, qualify for licensure as school nurse under ~~§ 3-106~~ provisions A., B., C., D., and E., of this rule.

5 MCAR § 3-106 1.05321 School nurse. The State Board of teaching Education will issue licenses as school nurse to applicants who meet the requirements of this section, 5 MCAR § 3-106 1.05321 A or 5 MCAR § 3-106 1.05321 B. Nothing in this section shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse.

A. Professional license (for public health nurses).

1. A professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:

- a. Current registration to practice as a licensed registered nurse in Minnesota, and
- b. A baccalaureate degree from a regionally accredited college or university, and
- c. Licensed as a public health nurse pursuant to Minn. Stat. § 145.10.

2. ~~Renewal of~~ The two year license may be renewed for five years after one year of successful experience.

B. Professional license (for registered nurses who hold a baccalaureate degree).

1. A professional license as a school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:

- a. Current registration to practice as a licensed registered nurse in Minnesota, and
- b. A baccalaureate degree from a regionally accredited college or university.

2. Renewal of two-year license.

- a. May be renewed for five years after one year of successful experience, and
- b. A minimum of nine quarter or six semester hours of credit in college courses which must be earned from two of the four following fields:

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## PROPOSED RULES

Curriculum  
Education of exceptional children  
Education psychology  
School health instruction or school health program.

C. The five year professional license may be renewed according to general rules of the Board of Teaching pertaining to continuing education.

D. This rule shall remain in effect until July 1, 1981, at which time this rule shall be repealed without further action by the State Board of Education.

### 5 MCAR § 3.108 1.05331 Public school athletic coaches.

A. A teacher in a secondary school who is head coach in any of the following areas: football, basketball, track, hockey, wrestling, baseball, shall be licensed either through professional preparation in the physical education major or minor program, or through a special coaching requirement in physical education.

The special coaching requirement is acceptable when the approved preparing institution certifies to the Commissioner of Education that such person has completed, in addition to his regular teacher education program, not less than nine quarter hours in courses of which principles of physical education is required, and the remaining courses selected from at least two of the following four areas:

Administration of athletics  
First aid and prevention and care of athletic injuries  
Human science  
Coaching and athletic techniques.

B. Effective with the 1966-67 school year, such licensure of new head coaches as stated above shall become mandatory. This requirement does not apply to teachers contracted for as head coaches prior to September 1, 1966.

C. The continuing license shall be renewed according to provisions of 5 MCAR § 3.005 continuing education/relicensure.

D. This rule shall remain in effect until replaced by 5 MCAR § 1.0533, at which time this rule shall be repealed without further action by the State Board of Education.

### 5 MCAR § 3.091 D. 1.0535 Reading consultant. Requirements:

A. 1. An elementary or secondary school teacher's license, and

B. 2. A master's degree, and

C. 3. Three years of teaching experience, including one year as a "reading" teacher, and

D. Completion of an approved preparation program consisting of the following components:

1. 4. One course in each of the following areas:

a. Developmental reading, elementary and secondary.

b. Diagnosis and correction of reading difficulties.

c. Individual mental testing.

d. Practicum in analysis of reading difficulties.

e. Practicum in correction of reading difficulties.

f. Survey course in exceptional children.

g. Administration and supervision of the reading program.

2. 5. Not less than three courses to be chosen from the following areas:

a. Language arts.

b. Educational research in reading or educational diagnosis.

c. Mental hygiene and/or personality.

d. Advanced psychological testing.

e. Principles and procedures in guidance.

f. Other courses in special education.

g. Children's and/or adolescent literature.

E. The continuing license shall be renewed according to provisions of 5 MCAR § 1.05361 D.

**5 MCAR § 3-101 1.05361 Supervisory and consultative personnel in the elementary and secondary schools.**

A. Supervisory and consultative personnel. Includes elementary and secondary school supervisors, consultants, directors, coordinators and others with similar functions or levels of responsibility. Supervisory and consultative personnel in the elementary and secondary schools, not licensed under other specific rules for personnel with such levels of responsibility in particular areas, shall hold a license based upon major work in the area where licensure is sought as outlined in B.

B. The license for supervisory and consultative personnel in the elementary and secondary schools requires:

1. Completion of a master's degree from a recognized graduate school from a program approved by the State Department of Education with a major emphasis in the area for which licensure is sought

or

A statement from a recognized graduate school certifying that the applicant has completed at least one-half of a program approved by the State Department of Education leading to the specialist or doctorate degree with major emphasis in the area for which licensure is sought

and

2. Three years of appropriate successful professional experience in education while holding a license valid for the position in which the experience was obtained.

C. The initial license for supervisory and consultative personnel shall be valid for two years and may be renewed for one five-year period upon the completion of one year of successful experience in the area of major emphasis while hold the initial two-year license.

~~D. The five-year license may be renewed according to general rules of the board of teaching pertaining to continuing education.~~

D. Continuing license.

1. The first continuing license shall be issued to an applicant in accordance with 5 MCAR § 1.0523.

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

a. Provide evidence to the Commissioner of Education of the completion of at least 125 clock hours of approved supervisory continuing education. Approval of supervisory continuing education programs, and the clock hours which may be earned in each program, shall be in accordance with 5 MCAR § 1.0556. College courses which have been approved as leading to licensure as supervisory and consultative personnel may be utilized toward the clock hour requirement. One quarter college credit equals 10 clock hours; one semester college credit equals 15 clock hours.

b. Until July 1, 1986, clock hours of approved supervisory continuing education shall be required as follows:

(1) Twenty-five clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1981 or June 30, 1982.

(2) Fifty clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1983.

(3) Seventy-five clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1984.

(4) One hundred clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1985.

(5) One hundred twenty-five clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1986.

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## PROPOSED RULES

c. Until July 1, 1986, renewal units which are earned toward supervisory relicensure may be allocated toward clock hours of supervisory continuing education. For every one renewal unit earned and verified by the local committee for continuing education, one clock hour of supervisory continuing education shall be granted. Provisions D.2.b. and D.2.c. of 5 MCAR § 1.05361 shall remain in effect until July 1, 1986, at which time provisions D.2.b. and D.2.c. shall be repealed without further action by the State Board of Education.

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

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

b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved supervisory continuing education as required in 2.a. of this rule, a two-year, non-renewable license may be granted. Upon expiration of the two-year, non-renewable license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. of this rule.

4. Renewal requirements must be met during the five-year period of each continuing license and no clock hours shall carry forward into any subsequent five-year licensure period.

~~E. Effective date: September 1, 1972.~~

## Department of Natural Resources

### Proposed Amendment of Rule Governing Lower St. Croix Water Surface Use

#### Notice of Intent to Amend Rule without A Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources ("department") intends to adopt an amendment to the above-referenced department rule without public hearing because of the noncontroversial nature of the amendment.

The proposed amendment includes that area on the St. Croix River known as Anderson Bay (mile 20) as a slow-no wake zone for watercraft. This amendment is the result of a petition by the Washington County Board and is intended to be effective as soon as the law allows.

Please be advised that you have an opportunity for the 30-day period following publication of this notice and the proposed amendment to submit comments in writing on the proposed amendment and to object to the lack of public hearing on the proposed amendment. Your written comments or request for hearing should be submitted to:

Kim Elverum  
Minnesota Department of Natural Resources  
Box 46 — Centennial Office Bldg.  
Saint Paul, Minnesota 55155  
Telephone: (612) 296-3336

If seven or more persons request hearings on the rule amendment, the department will order public hearings in accordance with Minn. Stat. § 15.0412, subs. 4-4f. The department may modify the proposed amendment if modification is supported by data and views submitted in written comments and if no substantial change results from the modification.

If no hearing is required, and the department decides to adopt the amendment as proposed, or as modified if written comments justify modification, the Department will submit to the Attorney General for review of form, legality and substantial change the following documents: this notice with the amendment as proposed, the amended rule as adopted, the order adopting the amendment, any written comments received by the agency, and the department's Statement of Need and Reasonableness supporting adoption of the amendment. Any person may request notification of the date the department makes the submission to the Attorney General. If you desire to be so notified, you must inform the agency in writing during the 30-day comment period.

The department has prepared a Statement of Need and Reasonableness in support of the proposed amendment which is also available from the agency by writing to the address indicated above or calling (612) 296-3336.

The department's authority to promulgate the proposed amended rule can be found in Minn. Stat. §§ 361.26, subd. 2 (1980).

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or

using others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

January 29, 1981

Joseph N. Alexander, Commissioner  
Department of Natural Resources

### **Amendment as Proposed**

6 MCAR § 1.2220 Lower St. Croix water surface use.

D. Restricted speed zones.

2. No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

f. In that area known as Anderson Bay, located approximately at mile 20.0.

## **Small Business Finance Agency**

### **Proposed Rules Relating to the General Operating Procedures of the Agency and the Making of Pollution Control Loans**

#### **Notice of Intent to Adopt Rules without A Public Hearing**

Notice is hereby given that the Small Business Finance Agency proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subs. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

M. Jean Laubach  
Executive Director  
Small Business Finance Agency  
480 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-6616

Authority for the adoption of these rules is contained in Minn. Stat. § 362.53, subd. 4 (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Ms. Laubach upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Ms. Laubach.

A copy of the proposed rules is attached to this Notice. Additional copies may be obtained by contacting Ms. Laubach.

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## PROPOSED RULES

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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 or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) 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 \$250.00, 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 \$250.00, 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, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Kent E. Ecklund  
Vice Chairman  
Small Business Finance Agency

### Rules as Proposed

#### Chapter One: General Provisions (4 MCAR §§ 14.001-14.009)

**4 MCAR § 14.001 Scope.** These rules are made pursuant to Minn. Stat. § 362.53, subd. 4 (1980) to implement and make specific the provisions of the Act and relate to the providing of Pollution Control Loans.

#### **4 MCAR § 14.002 Definitions.**

A. The terms defined in Minn. Stat. § 362.50 (1980) have the same meaning when used in these rules as ascribed to them in the Act.

B. "Act" means Laws of 1980, ch. 547, as now in effect and as amended from time to time.

C. "Commissioner" means the Commissioner of Economic Development.

D. "Executive director" means the executive director of the agency designated by the commissioner.

E. "Members" means the commissioner and those persons appointed to the agency pursuant to Minn. Stat. § 362.51, subd. 8 (1980).

#### **4 MCAR § 14.003 Agency meetings.**

A. Regular meetings of the agency shall be held on the third Wednesday of each month at 3:00 p.m. at the offices of the agency in St. Paul, Minnesota, unless another place of meeting is designated by resolution. In the event such date shall fall on a legal holiday, the regular meeting shall be held the next succeeding business day.

B. Special meetings of the agency may be called upon reasonable notice to all members by the chairperson or by a majority of the existing members of the agency, for the purpose of transacting any business designated in the notice, and shall be held at the business offices of the agency in St. Paul, Minnesota, unless another place of meeting is designated by resolution. At any such special meeting, no business shall be considered other than as designated in the notice, provided, however, that if all of the members of the agency are present at such special meeting, this limitation shall not apply.

#### **4 MCAR § 14.004 Public appearances at meetings of the members.**

The following procedures shall govern public appearances at meetings of the members:

A. With respect to regular meetings, the executive director shall complete the agenda for meetings of the members, not less than five nor more than seven days prior to the date of any such meeting.

B. With respect to regular meetings, any person who desires to appear and address the Members shall make a written request to the executive director, with a copy to the chairperson, at least ten days prior to the date of the meeting, setting forth the nature of the matter about which such person wishes to appear.

C. With respect to regular or special meetings, any person who desires to appear and address the members with respect to any matter enumerated on the agenda shall make a written request to the executive director, with a copy to the chairperson, at least twenty-four hours before the meeting.

D. Any member may at any time request that a person be permitted to appear and address the members at any regular or special meeting.

E. All such requests shall be placed on the agenda for review by the members at the meeting. A majority vote of the members present shall be required in order to grant any such request to address the members.



4 MCAR §§ 14.005-14.009 [Reserved for future use.]

**Chapter Two: Pollution Control Loans (4 MCAR §§ 14.010-14.019)**

**4 MCAR § 14.010 Applications for Pollution Control Loans.**

The executive director shall prepare uniform loan application forms for use by the public setting forth the information necessary for the determination of probable eligibility for a Pollution Control Loan guaranteed or to be guaranteed as a full faith and credit obligation of the United States, by the United States Small Business Administration or by another agency or instrumentality of the United States to which the same or similar power may be granted. All forms shall be submitted to the members for their review at a regular or special meeting and shall become effective only upon the approving vote of the members.

**4 MCAR § 14.011 Acceptance of Pollution Control Loan applications.** In determining whether to accept applications for Pollution Control Loans, the members shall examine the following facts:

- A. The probable eligibility of the Pollution Control Loan for a federal guarantee.
- B. The nature of the pollution control facilities to be financed with the loan.
- C. The location of the proposed facilities.
- D. The availability of bonding authority under the Act.

E. The extent to which the loan will assist and encourage the establishment, maintenance and growth of small business in Minnesota and reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business.

**4 MCAR § 14.012 Authorization of Pollution Control Loans.**

No Pollution Control Loan shall be made until the members of the agency have received and reviewed the recommendation of the executive director relating to the loan, and until the members have adopted a resolution approving the loan, which resolution shall include, at a minimum, (1) a determination that the loan has been approved for a federal guarantee, as a full faith and credit obligation of the United States, by the United States Small Business Administration or by another agency or instrumentality of the United States to which the same or similar power may be granted, and (2) a statement that the obligation of the agency to make such loans is contingent on the ability of the Agency to sell its bonds or bond anticipation notes, on terms which the members of the agency, in their sole discretion, deem acceptable.

4 MCAR §§ 14.013-14.019 [Reserved for future use.]

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# ADOPTED RULES

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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 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.

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## Department of Administration Procurement Division

### Adopted Rule for the Administration of the Minnesota Small Business Procurement Program

The rules proposed and published at *State Register*, Volume 5, Number 21, pp. 847-852, November 24, 1980 (5 S.R. 847) are now adopted as proposed.

## Department of Commerce Securities and Real Estate Division

### Adopted Rules and Forms Relating to the Minnesota Securities Act

The rules and forms proposed for adoption, amendment and repeal and published at *State Register*, Volume 5, Number 23, pp. 915-934, December 8, 1980 (5 S.R. 915) are now adopted with the following amendments:

#### Amendments as Adopted

**SDiv 2006 (b)** It shall constitute a "manipulative, deceptive or other fraudulent device or contrivance" within the meaning of Minn. Stat. § 80A.03 (1978), as amended, for a broker-dealer or agent to recommend the purchase or sale of any security or to furnish any quotation for a security or, directly or indirectly, to submit any such quotation for publication, in any quotation medium (as defined in this rule) unless:

**SDiv 2014(d)** Any appropriate deposit of cash or security shall be accepted in lieu of any bond required by this section. An appropriate deposit requires, in the case of deposited securities, that such securities have a market value equal to 120 percent of the amount of the bond which would otherwise be required, and represent an interest in, or debt of, any of the persons whose securities are exempt from registration under Minn. Stat. § 80A.15, subd. 1, Clauses (a), (b), (c), (d) or (e) (1978), as amended. At no time shall the market value of the securities on deposit be less than 105 percent of the amount of the required bond. Any deposit of cash, or securities under this clause shall be made with an escrow agent, and under such terms and conditions as the commissioner deems appropriate, and shall remain with the depository for a period of three years after the last securities transaction conducted by the licensee or the effective date of any bond acquired by the licensee, whichever first occurs. The commissioner ~~may~~ shall allow an irrevocable letter of credit in lieu thereof.

**SDiv 2025(a)** Every issuer or its agent shall immediately notify the commissioner in the event of a sale of securities in excess of the amount registered. Under no circumstances shall the notice be more than 30 days after the date on which the oversale occurred.

**SDiv 2025(b)** ~~If, by the terms of the order for registration, the offering period or the term of any impoundment agreement entered into in connection with the registration is less than six months, the final report required by paragraph (a) of this section shall be filed within 10 days after the date the offering or impoundment agreement terminates pursuant to the order of registration.~~

**SDiv 2028** Application.

**Subchapter 8** Commodity Pool Guidelines (4 MCAR §§ 1.2140 to 1.2145~~6~~)

**SDiv 2031** Employee and director options and other forms of compensation through receipt of securities.

(a) Outstanding options to all employees and directors shall not exceed 20 percent of the to be outstanding common shares of

the issuer ~~unless a majority of the shareholders, excluding officers, directors, employees, and their spouses have approved a larger percentage,~~ provided further that:

(1) the exercise price shall ~~not be no~~ not be less than 85 percent of the fair market value on the date of the grant; and

(2) no such options in excess of 10 percent of the to be outstanding shares are granted to any individual who, immediately before such option is granted, owns stock possessing more than 10 percent of the total combined voting power or value of all classes of stock of the issuer.

(b) No shares shall be issued to employees or directors unless they shall have paid at least 85 percent of fair market value therefor, ~~in cash,~~ other than pursuant to the provisions of paragraph (a) of this section, ~~unless they are issued under the same terms and conditions as shares are issued to all holders of the same class of securities of the issuer, or unless a majority of shareholders, excluding officers, directors, employees and their spouses, have approved the issuance.~~

(c) The terms of issuance of options granted and shares issued to employees and directors may vary in any manner and to any extent from the requirements and limitations of paragraph (a) and (b) of this section, if ratified or approved by a majority of the shareholders, excluding officers, directors, employees, and their spouses.

**S Div 2057 Closed end investment companies.**

(b)(1)(dd) invest in more than 10% of the equity securities of any one issuer;

**S Div 2118(j)** The requirement of Minn. Stat. § 80A.15, subd. 2(h) (1) is hereby waived in connection with any distribution of securities pursuant to any employer employee's savings, stock purchase, pension, profit sharing or similar benefit plan, or self-employed person's retirement plan.

~~**S Div 2118(k)** The exemption contained in § 80A.15, subd. 2(h) is conditioned on the use of an offering circular or other documents offering full disclosure in connection with each offer or sale.~~

**S Div 2118(l)(k)** For the purpose of this rule, time shall be computed pursuant to Minn. Stat. § 645.15 (1978), as amended.

**S Div 2122(a)(1)(cc)** all annual, or other reports required by Minn. Stat. § 80A.12 (1978), as amended, or any rule thereunder have been filed or distributed during the twelve months preceding such sale (or for such shorter period for which the issuer was required to file such reports), or

**S Div 2123 Advertising material.**

(e) Violations. Any person, including any broker-dealer or agent thereof, investment ~~advisor~~ adviser or issuer who knowingly prepares, distributes or causes to be issued or published any sales literature which is knowingly inaccurate, false, misleading or tending to mislead in any material respect or otherwise in violation of the provisions herein may be held responsible and accountable therefor in any administrative or civil proceeding arising under the act or these rules.

**4 MCAR § 1.2127** Amendments "~~R~~requiring an order of the commissioner," pursuant to Minn. Stat. § 80A.28, subd. 3, (1978), as amended, shall mean any change in the language of the currently effective "order" of registration or licensing, including, by way of example:

**Subchapter 8: Commodity Pool guidelines (4 MCAR §§ 1.2140-1.2145)**

**4 MCAR § 1.2140** Definitions. As used in these rules, the following terms shall mean:

H. Net profits. The sum of:

1. The net of any profits and losses realized on all trades closed out during the period;

**4 MCAR § 1.2142** Standards.

C. Maintenance of suitability records. A sponsor shall retain for at least three years all records necessary to substantiate the facts that program interests were sold only to participants for whom such securities were suitable. ~~The commissioner may require a sponsor to obtain from the purchaser a letter justifying the suitability of such investment.~~

**4 MCAR § 1.2143** Fees, compensation and expenses.

B.3. Brokerage commissions. The program shall seek the best price and services available in its commodity futures brokerage transactions. The program shall not effect any transactions in commodities futures contracts with any clearing broker

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## ADOPTED RULES

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affiliated directly or indirectly with a sponsor or with any adviser providing the sponsor with research information, recommendations, or other services which might be of value to any sponsor, unless such transactions are effected at competitive brokerage rates. In no event will the program be allowed to enter into any exclusive brokerage contract. If any person receives any portion of the brokerage commissions from program operations, the adviser may not be affiliated with such person. ~~The commissioner may require the program to file periodic reports concerning all brokerage transactions.~~

### 4 MCAR § 1.2145 Disclosure and marketing requirements.

B. Sales literature. Sales literature, sales presentations (including prepared presentations to prospective participants at group meetings) and advertising used in the offer of or sale of program interests shall conform in all applicable respects to the requirements of filing, disclosure and adequacy currently imposed by SDiv 21253 on sales literature, sales presentations and advertising used in the sale of corporate securities.

C.9.b.(8) ~~Such additional or different disclosures of the success or failure of the programs as may be permitted or required by the commissioner.~~

C.15 Notification. Each participant shall be notified within seven business days from the date of any decline in the net value per unit to less than 50 percent of the amount on the last valuation date. Included in the notification shall be a description of the participants' voting rights pursuant to 4 MCAR § 1.21434B.

C.19.b.(2) Individual sponsor. A balance sheet for each individual sponsor as of a time not more than 90 days prior to the date of filing an application; such balance sheet may be audited and should conform to generally accepted accounting principles and shall be signed and sworn to by such sponsor. A representation of the individual's amount of such net worth must be included in the prospectus:

### 4 MCAR § 1.2150 Waiver.

B. Any such waiver shall be ~~based~~ granted upon a determination by the commissioner that compliance with such rules, statement of policy or guidelines is:

January 30, 1981

Mary Alice Brophy  
Commissioner of Securities and Real Estate

## Department of Economic Security

### Adopted Temporary Rule Governing Weatherization for Low-income People

The temporary rule proposed and published at *State Register*, Volume 4, Number 52, pp. 2003-2007, June 30, 1980 (4 S.R. 2003) is now adopted with the following amendments:

#### Rule as Amended

#### 8 MCAR § 4.4010 Minnesota weatherization assistance for low-income people.

A. Purpose. The purpose of this rule is to develop and implement a supplementary state weatherization assistance program under authority granted by Laws 1980, Chapter 579, Section 19, to supplement the United States Department of Energy Weatherization Assistance for Low-Income Persons program 42-USA § 6861 to 6872 at the prescribed levels in the dwellings of low-income persons in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

B. Administration of costs. Grants awarded under this part shall be administered in accordance with the following:

1. Federal Management Circular 73-2, 34 CFR 251, entitled "Audit on Federal Operations and Programs by Executive Branch Agencies."

2. Federal Management Circular 74-4, 34 CFR 255, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

3. Federal Management Circular 74-7, 34 CFR 256, entitled "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments."

4. Office of Management and Budget Circular A-89 entitled "Catalog of Federal Domestic Assistance."

5. Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects."

6. Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title II of the Intergovernmental Coordination Act of 1968."

7. Treasury Circular 1082, entitled "Notification to States of Grant-In-Aid Information."

8. U.S. Treasury Circular 1075.

C. Definitions as used in this rule.

1. "Act" means the Federal Energy Conservation and Production Act. Pub. L. 94-335.90 Stat. 1125 *et seq.* as amended.

2. "Administrator" means the Administrator of the U.S. Department of Energy.

3. "Assistant Commissioner" means Assistant Commissioner of Division of Training and Community Services of the Department of Economic Security.

~~4.3-~~ "CAA" means a Community Action Agency.

~~5.4-~~ "CETA" means the Comprehensive Employment and Training Act of 1973, 42, U.S.C./2731 *et seq.* as amended.

~~6.5-~~ "Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452 as amended, which is authorized to administer funds received from Federal, State, local, or private funding entities to assess, design, operate, finance and oversee anti-poverty programs.

~~7.6-~~ "Commissioner" means Commissioner of the Department of Economic Security.

~~8.7-~~ "Cosmetic items" means items which when installed will not reduce energy costs in a cost-effective manner, including, but not limited to, finishes, decorative fenestration materials and elevation materials, such as: aluminum siding, board and batten clapboard, brick, shakes or asphalt siding.

~~8-~~ "Director" means the Director of Intergovernmental Relations of the Department of Economic Security.

9. "DOE" means the United States Department of Energy.

10. "Dwelling unit" means a house including a stationary mobile home, home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

11. "Elderly person" means a person who is 60 years of age or older.

12. "Family unit" means all persons living together in a dwelling unit.

13. "Grantee" means an entity named in the Notification of Grant Award as the recipient.

14. "Handicapped person" means any individual a) who is a handicapped individual as defined in § 7 (6) of the Rehabilitation Act of 1973, b) who is under a disability as defined in § 1614 (a) or 223 (d) of the Social Security Act or in § 102 (7) of the Developmental Disabilities Services and Facilities Construction Act or (c) who is receiving benefits under Chapter 11 or 15 of Title 38, United States Code.

15. "Household" means the same as dwelling units.

16. "Law" means Minnesota Laws of 1980, ch. 579, § 19.

17. "Local applicant" means a CAA or unit of general purpose local government.

18. "Low income" means that total household income in relation to family size which:

~~19-~~a. Is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Federal Office of Management and Budget; or

b. Is the basis on which cash assistance payments have been paid during the preceding 12 month period under Title IV and XVI of the Social Security Act or applicable State or local rules.

~~19.20-~~ "Multi-family dwelling unit" means a dwelling unit which is located in a structure containing more than one dwelling unit.

~~20.21-~~ "Rental dwelling unit" means a dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

~~21.22-~~ "Separate living quarters" are those in which the occupants do not live and eat with any other persons in the structure and which have either (a) direct access from the outside of the building or through a common hall, or (b) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

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~~22.23.~~ "Single family dwelling unit" means a structure containing no more than one dwelling unit.

~~23.24.~~ "State" means the State of Minnesota.

~~24.25.~~ "Sub-grantee" means a weatherization project which receives a grant of funds awarded under this rule from a grantee.

~~25.26.~~ "Unit of general purpose local government" means any city, county, town, parish, village or other general purpose political subdivision of a state.

~~26.27.~~ "Weatherization crew" means a group of weatherization crew laborers with a weatherization supervisor.

~~27.28.~~ "Weatherization laborer" means a person that performs weatherization and repair activities necessary to complete work on eligible households. This work may include audits, inspections, and other related activities.

~~28.29.~~ "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient.

~~29.30.~~ "Weatherization supervisor" means a person who inspects, analyzes, evaluates, and performs complicated weatherization and repair activities and is responsible for crew laborers' conduct, performance and weatherization crew laborers' evaluations.

~~30.31.~~ "Regional clearinghouse" means the local Regional Development Commission which has the authority, under Title IV of the Intergovernment Cooperation Act of 1968, to review and comment with respect to federal and state funded projects.

### D. Eligible applicants.

1. The commissioner shall insure that funds received under this law shall be provided to local applicants delivering the DOE Weatherization Program.

2. Paragraph one (1) of this section shall not apply if the commissioner or the ~~Director of Intergovernmental Relations~~ assistant commissioner determines, on the basis of a public hearing, that the plan carried out by the local applicant has been ineffective in meeting the purpose of the law. Notice of the public hearing shall be made 10 days prior to the hearing in two (2) local newspapers in the deliverer's service area.

3. In making a determination pursuant to paragraph E.2., of this rule, the Commissioner or the ~~Director of Intergovernmental Relations~~ assistant commissioner acting on behalf of the commissioner shall evaluate the performance of the CAA and shall consider:

- a. The extent to which the weatherization project achieves the goals of the law in a timely fashion.
- b. The adherence to the plan developed by the CAA and accepted by the State.
- c. The quality of the work performed.
- d. The number, qualifications, and experience of project staff members.
- e. The ability to secure volunteers, training participants and public service employment workers, pursuant to CETA.

### E. Local applications.

1. To be eligible for financial assistance under this rule, a local applicant shall submit an application or plan, combining Federal DOE funds, State funds, and any other funds, used to support the plan to the commissioner not later than 60 days after the announcement of availability of funds for each year. The commissioner shall review each timely application and if the submission otherwise complies with the applicable provisions of this rule, approve a final budget and issue a notice of grant award.

2. Each application shall include:

- a. The name and address of the local agency or office responsible for administering the program.
- b. A statement by grantee's responsible authority insuring the following:
  - (1) Financial assistance provided under this rule shall be used to supplement and not supplant Federal DOE funds.
  - (2) No dwelling unit may be weatherized without documentation that the dwelling is an eligible dwelling unit as provided in this rule.
  - (3) Priority through a documented needs assessment is given to identifying and providing weatherization with first priority given to eligible fuel oil users, elderly and handicapped low-income persons. The documented needs assessment shall include the identifiable potential number of households which should be provided such assistance by county broken down into segmented categories; eligible elderly, handicapped, minorities, single family dwelling units, rental units, and types of fuel used.

c. The total number of dwelling units proposed to be weatherized with grant funds in total and by county served, from all sources during the budget period for which assistance is to be provided. First priority shall be to homes heated with fuel oil. The total number of dwelling units completed shall include no less than 25% elderly, 10% handicapped and 10% rental units.

d. The description of the outreach process used to obtain applications.

e. A production schedule which shall indicate the number of dwelling units which are expected to be weatherized on a monthly basis.

f. A financial schedule which shall indicate the monthly funding requirements based on projected production.

g. An estimate, by number and dollar amount of manpower from all sources, to be used in implementing the weatherization plan. The plan shall include staffing patterns for all weatherization personnel, documentation shall be provided as to why CETA resources are not available, in part or whole, to allow local program deliverers to attain production quotas.

h. The plan shall be submitted for regional clearinghouse review.

i. A grantee currently receiving state weatherization funds need not supply items a, b, or d unless specifically requested by the State.

3. If the grantee determines that it cannot fulfill its obligations under the plan in whole or part, the grantee may request an amendment or revisions of the existing approved plan and resubmit a new plan or amendments within 30 days after the written notice of request for consideration. The request from the grantee must be in writing detailing its specific views with supporting data and arguments.

**F. Allowable expenditures.**

1. To the maximum extent, practical, the grant funds provided under this part shall be used to supplement the DOE Weatherization Program's purchase of weatherization labor, supervision, and administration. Allowable expenditures shall be limited to:

a. The cost established by local deliverers in their plan of:

(1) The cost of employment of supervisory personnel.

(2) The cost of employment of weatherization laborers.

(3) Other weatherization expenses authorized under the act as approved by the commissioner in accordance with the law.

b. Allowable administrative expenses limited to those set forth in the grantee's approved plan not exceeding 7-1/2% of the local deliverer's approved grant.

c. Grant funds awarded under this part shall not be used for any of these purposes:

(1) To weatherize a dwelling unit which has been weatherized previously with grant funds from DOE or state assistance under the program of this rule unless such dwelling unit has been damaged by fire, flood or an act of God and repair of the damage to weatherization materials is not paid for by insurance.

(2) To weatherize a dwelling unit which is vacant or designated for acquisition or clearance by a federal, state or local government program within 12 months from the date weatherization of the dwelling unit would be scheduled to be completed; or

(3) To purchase cosmetic items or a heating or cooling source. No dwelling unit shall be exclusively weatherized with only state funds. State funds must be spent in coordination with DOE funds.

2. Grantee's wishing to use funds for other expenses related to delivery of the Weatherization program in accordance with the Act must make application to the ~~Director of Intergovernmental Relations~~, assistant commissioner, acting on behalf of the commissioner; documentation must be included to substantiate any request.

**G. Oversight responsibility.**

1. The commissioner, or the ~~Director of Intergovernmental Relations~~ assistant commissioner on behalf of the commissioner shall monitor and evaluate the operation of projects carried out by the grantees receiving financial assistance under this part through on-site inspections, or through other means.

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2. The DES shall also carry out periodic evaluations of weatherization programs carried out by the grantee.

3. The commissioner, the ~~Director of Intergovernmental Relations~~ assistant commissioner or appropriate duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, information and records of any weatherization project receiving financial assistance under the law.

4. The commissioner shall conduct, on an annual basis, an audit of the pertinent records of any grantee receiving financial assistance under this part.

H. Record keeping. Each grantee receiving state financial assistance under this part shall keep such records as the commissioner shall require, including records which fully disclose the amount and disposition by each grantee of funds received under this rule, the total cost of the weatherization project to implement the grantee plan for which such assistance was given or used, including all sources and amounts of funds for such project or program, and such other records as the commissioner deems necessary for an effective audit and performance evaluation. Such record keeping shall be in accordance with Federal Management Circular 74-4 and any further requirements of this rule or such requirements as the commissioner may otherwise establish consistent with this rule.

I. Monthly reports. Each grantee receiving financial assistance under this part shall submit a monthly program performance report and a monthly financial report (monthly invoice) to the commissioner. The program performance report shall describe by state priority:

1. The number of dwelling units weatherized and a file reference for each.

2. Outreach efforts.

3. Any other information the commissioner feels relevant, including information routinely submitted to the federal government in order to effectively monitor the progress of the grantee.

J. Eligible dwellings. No dwelling unit shall be eligible for weatherization assistance under this part unless it is occupied by a family unit.

1. Whose income is at or below 125% of the poverty level determined in accordance with criteria established by the Director of the Federal Office of Management and Budget; or

2. Which contains a member who has received assistance payments under Title IV and XVI of the Social Security Act or applicable state or local rules during the 12 month period preceding the determination of eligibility for weatherization assistance.

K. Granting process. Once the application for grant has been approved, the commissioner shall notify the grantee of such approval and any conditions shall be attached thereto. A grant contract shall be signed by the commissioner or the ~~Director of Intergovernmental Relations~~ assistant commissioner, and the authorized local agency representative.

The grant contract shall indicate report requirements and other grant requirements shall be met prior to any obligation of funds. Payments on grant contracts shall be made on the basis of grantee activity in the program. Cash on hand in excess of 30 day program requirements shall not be delivered. Payments to grantees shall be reviewed in comparison to expenditures to determine cash needs. Expenditures shall be reported monthly on forms to be supplied by DES. Grantees shall be required to project next month's cash needs on the previous month's expenditure report.

L. Fiscal responsibility. No funds shall be released to a grantee receiving financial assistance under this rule until it has submitted to the ~~Director of Intergovernmental Relations~~ assistant commissioner a statement certifying the assisted grantee has: an established accounting system with internal controls adequate to safeguard their assets which has an operating efficiency and reliable accounting data; does promote operating efficiency and encourage compliance with prescribed management policies and has such additional fiscal responsibility and accounting requirements as the ~~Intergovernmental Relations Director~~ assistant commissioner may require consistent with these rules. The statement may be furnished by a Certified Public Accountant, a duly licensed public accountant or, in the case of a public agency the appropriate public financial officer who accepts responsibility for providing required financial services to that agency.

M. Severability. The provisions of this rule shall be severable and if any phrase, clause, sentence or provision is declared illegal or of no effect, the validity of the remainder of this rule and the applicability thereof to any person or circumstances shall not be affected thereby.



**Department of Education  
Board of Education  
School Management Services Division**

**Notice of Extension of Adopted Temporary Rules Governing Educational Aids to  
Nonpublic School Children**

The State Board of Education, at its meeting of January 12, 1981, extended the temporary rules governing Educational Aids to Nonpublic School Children another 90 days. These rules were proposed and published at *State Register* August 4, 1980, Volume 5, Number 5, pp. 153-159. Notice of their adoption was published at *State Register*, Volume 5, Number 17, p. 669, on October 27, 1980.

Howard B. Casmeay  
Secretary

**Department of Public Welfare  
Mental Health Bureau**

**Adopted Rule Governing the County or Human Service Board's Responsibilities for  
Planning and Provision of Services to Mentally Retarded Persons**

The proposed rule 12 MCAR 2.185 published at *State Register*, Volume 4, Number 51, p. 1973, June 23, 1980 (4 S.R. 1973) is adopted with the following amendments:

12 MCAR § 2.185 A.2. This rule governs the planning and provision of services to all individuals who are or may be mentally retarded. In addition, provisions of Minn. Stat. § 252A.01 to Minn. Stat. § 252A.21, Mental Retardation Protection Act, are applicable to those mentally retarded persons under guardianship or conservatorship of the commissioner. All financial resources available to agencies affected by this rule for the mentally retarded shall be expended in accordance with this rule. This rule shall not be construed as requiring expenditures of money that is not made available to the county board from all available resources for mental retardation services.

12 MCAR § 2.185 A.4.~~p.e.~~ Community social services: Those services as authorized under Minn. Stat. § 256E.03, subd. 2.

12 MCAR § 2.185 A.4.~~e.f.~~ County board: That body of duly elected officials responsible for the governance of its county under the authority of Minn. Stat. ~~§§ 375.02~~ §§ 375.01 to 375.55. Where a human services board has been established under Minn. Stat. §§ 402.02-.10, it shall be considered to be the county board, for purposes of this rule.

12 MCAR § 2.185 A.4.~~f.g.~~ Day facility: Out-of-home setting licensed to provide training in periods of less than 24 hours per day.

12 MCAR § 2.185 A.4.~~g.h.~~ Individual program plan: A detailed plan of the service provider setting forth both short-term and long-term goals with detailed methods for achieving movement toward the individual service plan of the local social service agency.

12 MCAR § 2.185 A.4.~~h.i.~~ Individual service plan: An analysis by the local social service agency of services needed by the client, including identification of the type of residential placement, if needed, and the general type of program required by the client to meet the assessed needs with a specified period of time.

12 MCAR § 2.185 A.4.~~g.j.~~ Local social service agency: A local agency designated and authorized by the county board or the human service board, to be responsible for providing social services.

12 MCAR § 2.185 A.4.~~h.k.~~ Mentally retarded person: A mentally retarded person refers to any person who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and manifested during the developmental period.

(1) Intellectual functioning shall be assessed by one or more of the professionally recognized standardized tests developed for

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that purpose: significantly subaverage refers to performance which is approximately two or more standard deviations from the mean or average of the tests.

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

12 MCAR § 2.185 A.4.~~q~~.l. Need determination: The determination by the commissioner of need, location and program of public and private residential and day care facilities and services for mentally retarded children and adults, ~~(Minn. Stat. § 252.28, subd. 1).~~

12 MCAR § 2.185 A.4.~~l~~.m. Person who may be mentally retarded:

(1) A child under 18 years of age whose behavior demonstrates significant deficits in adaptive behavior concurrently with subaverage intellectual functioning, who is in the process of diagnosis, or for various reasons, a diagnosis of ~~who~~ whom cannot be determined or for who a diagnosis may not be advisable because of age.

(2) An adult 18 years of age or older who has not been diagnosed as mentally retarded during the developmental period of his/her life, and who, for reasons of ~~physical condition or trauma~~ accident or physical trauma (excluding such conditions as mental illness, chemical abuse, senility, and debilitating diseases such as muscular dystrophy and multiple sclerosis), has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior such as to require supervision and protection for his welfare.

12 MCAR § 2.185 A.4.~~j~~.n. Program: A formal continuum of care that is a culturally relevant and coordinated combination of services, with clear goals and measurable objectives. A program is directed toward meeting the needs of one specified disability group and the individuals within that group, allowing for ready movement of clients among appropriate services.

12 MCAR § 2.185 A.4.~~o~~.o. Residential facility: A setting out of the client's home licensed to provide care, food, lodging, and provide training in self-care, remedial, developmental or social skills.

(1) Private facility: Profit and nonprofit licensed facilities for mentally retarded clients.

(2) Public facility: Licensed state hospitals (also known as institutions) for mentally retarded clients.

12 MCAR § 2.185 A.4.~~k~~.p. Service: A specific, identifiable, goal-related activity designed to carry out a program.

12 MCAR § 2.185 A.4.~~m~~.q. State agency: Minnesota Department of Public Welfare.

12 MCAR § 2.185 B.3.d. When placement is made in a public residential facility because a vacancy in a community residential facility does not exist, the county planning body (D.2.) shall be informed of such need.

12 MCAR § 2.185 C.2.c. (2) Services to be provided shall be specifically individualized to meet the client's needs. Developmental Achievement Center services, shall be provided when determined appropriate in the individual service plan.

12 MCAR § 2.185 C.3.d. When a client is accepted in a day or residential facility, the facility staff shall be responsible, within 30 days of admission for the development of an individual program plan based on the individual service plan of the local social service agency. The local social service agency shall participate in the development of the facility's individual program plan and take the lead in coordinating such planning when the client is receiving services from more than one provider.

12 MCAR § 2.185 C.3.f. When the local social service agency places a client in a private residential facility located outside of that county, formal arrangements, noted in the individual service plan, must be made with the host county social service agency to carry out certain services. Primary responsibility, however, remains with the agency of financial social service responsibility, as specified in Minn. Stat. §§ 256E.08, subd. 7.

12 MCAR § 2.185 C.3.h. Clients shall be informed that appeal may be made to the commissioner pursuant to Minn. Stat. § 256.045 as a social service appeal.

12 MCAR § 2.185 D.1. The county board shall ensure opportunity for citizen participation, including representatives of users of services, in accordance with Minn. Stat. §§ 256E.09, subd. 2, in the planning of service delivery. The county board shall also ensure opportunity for the involvement of local social service agencies, local developmental disabilities councils, public and private residential and day care facilities and other service providers and advocacy organization in the planning and coordination of service delivery.

12 MCAR § 2.185 D.2. The county board shall employ a professionally qualified person who has experience in treating or working with persons who are mentally retarded at least a bachelor's degree and experience in a field related to the treatment and care of persons who are mentally retarded. This person shall coordinate service delivery to mentally retarded individuals in the county and develop a service delivery plan.

12 MCAR § 2.185 D.2.d. The county board shall provide or arrange for social services needed, as specified in the County Social Services Plan, within the means available from all sources, as provided by the county board.

12 MCAR § 2.185 D.4.c.(1)(e) To assure that standards for provision of services are carried out, the size of the facility must relate to the needs of the clients for services. The following criteria shall apply:

~~(1) Residential facilities for six shall be considered most desirable when the residents' needs can be met by live-in staff.~~

(1) No facility for more than eight persons shall be approved unless it can be clearly shown that the needs of the residents will be better served in a larger facility and only if the size of the living units (including bedrooms, living rooms, dining room, and kitchen) are for no more than six persons. Meals would not necessarily have to be prepared in each living unit, but kitchen facilities should be available for each living unit.

~~(2) Residential facilities for eight shall be considered most desirable when the residents' needs can be met by shift staff.~~

~~(3) Residential facilities for sixteen shall be considered most desirable when the residents have extra-ordinary service needs such as concomitant physical and sensory disabilities, which cannot be economically met in a facility of lesser size. The Commissioner shall determine whether the severity of the physical, sensory or other disability of the residents require the 16-bed size.~~

~~(4) (2) The ability of the residents to use community medical, psychological, therapeutic and support services.~~

~~(5) (3) The number of residents whose physical, sensory or other disability justifies the employment of special staff by the facility.~~

(f) To assure that the facility and program plan cost projections are within fiscal limitations, and meet standards of effective program management. The following criteria shall apply:

~~(1) Facilities which are not to be for six, eight or 16 residents, must justify that they are as efficient and cost effective as the facilities for six, eight, or 16 residents.~~

12 MCAR § 2.185 ~~D.4.c.(1)(f)(2)~~ D.4.c.(2) Within 30 days of receipt of the applicant information and recommendation of the county board, the applicant and county board shall be notified of the Commissioner's decision. The notice of the Commissioner's decision shall contain notice of the right to appeal that decision, pursuant to section D.4.c.(4) below. If approved the Licensing Division of the state agency shall then act upon a license application, and the applicant may seek certification under Title XIX and other funding resources from the state agency.

12 MCAR § 2.185 ~~D.4.c.(1)(f)(2)~~ D.4.c.(3) If a licensed facility requests an increase or decrease in licensed capacity, or change in program of any facility or service, that may require change in staffing or remodeling, the facility shall apply to the commissioner directly. No change shall be granted until the county board has an opportunity to comment. The commissioner shall notify the county board of such a request by sending a copy of the request to the county board. The county shall have 30 days to comment. The commissioner shall use the same criteria as is specified for original applications.

12 MCAR § 2.185 D.4.c.(4) Determination of need may be appealed in accordance with provisions of Minn. Stat. ch. 15. Notice of Appeal must be served upon the commissioner within 30 days of receipt of notification of the commissioner's decision.

12 MCAR § 2.185 E. Service categories.

1. The following service categories, in alphabetical order, shall constitute the range of direct and indirect services needed for a service delivery system in an identified geographical area of the State of Minnesota for its mentally retarded population. These service categories shall be identified to assure delivery as needed, on the basis of individualized program plans.

a. Activity program for adults: Activities which emphasize occupational and social goals which assist adults to become as self-dependent as possible and to make constructive use of leisure time. They are comprehensive and coordinated sets of activities providing personal care and other services to adult mentally retarded persons in or out of their own homes during a portion of the 24-hour day. Services may include a variety of creative, social, physical and learning activities based upon an appropriate assessment of need.

b. Assessment services: The systematic determination of pertinent physical, psychological, vocational, educational, cultural, social, economic, legal, environmental and other factors of the mentally retarded person and his/her family; to

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determine the extent to which the disability limits can be expected to limit the person's daily living and work activity; to determine how and to what extent the disabling conditions may be expected to be minimized by services; to determine the nature and scope of services to be provided; to select service objectives which are commensurate with an individual service plan action. It is to be followed at whatever intervals are needed by periodic reassessment; services are to be provided whenever necessary in the life of the individual. Assessment services are directed toward the effects of the disability and toward maximizing life functions in the face of remaining conditions.

c. Basic developmental services: Activities emphasizing maturation and supplementing the services provided by parents or parent surrogates.

They are comprehensive and coordinated sets of developmental learning activities conducted in or outside the home during a portion of the day. These services include a variety of creative, social, physical, and learning activities selected in accordance with an appropriate assessment. The focus is upon the developmental schedule itself (individual program plan) and upon the acquisition of skills in self-care. This service should continue on a sustaining basis for those who would otherwise suffer loss of functional level.

d. Case management (service management): An expert person who provides coordination of all the case activities on behalf of the clients of the local social service agency. The case manager is held responsible for mobilizing the resources needed, including especially those not provided directly by his/her own agency. It is a persuasive, rather than an administrative role. Case management is provided by a professionally qualified individual (typically not a volunteer) who has a limited but assigned number of clients.

e. Client information and referral service: Public information about services and procedures in obtaining them. This service may provide referral activity directly or may inform an inquirer. This client information and referral service may be on a face-to-face basis or may be available by telephone.

f. Community services: Mentally retarded people are ordinarily expected to make use of the same community services that are used by people who are not retarded. These services are not detailed because they are not specialized on behalf of the mentally retarded population.

g. Counseling: A face-to-face relationship with the mentally retarded individual and/or parent, siblings or other relatives in order to help the individual understand and accept his/her capabilities and limitations, and to carry through on a program of adjustment and self-improvement. This requires knowledge of human behavior and the use of special interviewing skills to achieve specified goals mutually accepted by counselor and client (or parent/guardian). Counseling is an episodic activity carried out when the need arises. Its focus is upon the solution of specific problems.

h. Diagnostic services: Coordinated services including, but not limited to, psychological services, social services, medical and other services necessary to identify the presence of a disability, its causes and its complications. Diagnosis is a current assessment of the client's condition and shall be a guiding factor in the development of the individual service plan. Diagnostic review is to be made whenever necessary in the life of the mentally retarded person, according to C.I.d. of this rule.

i. Domiciliary (residential) care: Out of home living quarters, supervision and personal care to persons needing such care and services. Domiciliary care services differ from special living arrangements by its higher degree of supervision and the greater amount of personal care needed, as compared to—Special living arrangements.

j. Family support services: Those services which enable the family as a unit to meet the family-related needs of the mentally retarded persons. Family support services may include any of the other defined services. It is distinguished in that it is given to the family in their homes.

k. Follow along: A monitoring relationship by the local social service agency on a life-long basis with retarded persons and their families, if needed. It is to assure that changes in need, progression to new levels of adaptive competence, and the problems arising from crises are recognized and appropriately met.

l. Job placement services: The process of securing employment. Competitive employment is employment offered under ordinary conditions and in competition with ordinary employees. Job placement services needed by mentally retarded persons are generally those of securing and adjusting to a job, with no implication that this is limited to a single time or period in the life of the persons.

m. Professional information and referral service: An up-to-date and complete listing of all appropriate resources which can be made available and accessible to professional persons serving mentally retarded persons and their families so that they can be referred to the most appropriate and readily available resources. This kind of information and referral services is ordinarily not used by the client.

n. Protective services: Social, legal and other appropriate services which assist individuals who are unable to manage their own affairs or to protect themselves from neglect, exploitation or hazardous situations without assistance from others and to help them exercise their rights as citizens. Protective services may be an adjunct to parent responsibility, or they may be exercised in the absence of the responsible parent. Protective services should be selective in scope and should be limited to those aspects of life function in which a need is demonstrated. (See Minn. Stat. §§ 252A.01-.21, MR Protection Act.)

o. Recreation services: Planned and supervised leisure-time activities designed to help meet specific individual needs in self-expression, social interaction, athletic endeavors and entertainment; to develop skills and interests leading to enjoyable and constructive use of leisure time; and to improve his/her well-being. The service may include assistance to the individual in his/her use and access of normal community recreation activities.

p. Service delivery system coordination: Responsibility within a given community for the provision of the full range of services. This is a planning and resource-mobilizing function rather than a direct service to clients. It is concerned with the structure and the availability of services rather than with the solution of personal problems. It must be provided in connection with a multi-service area of authority. Information and referral services shall be provided in conjunction with service coordination, and the two are typically interrelated.

q. Sheltered employment: A structured service providing partial self-support through the employment of the retarded worker under conditions which allow for low production rate, need for special work supervision, inability to handle a full range of job duties, or need for special job engineering and adaptive equipment.

r. Special education: A structured learning experience, based upon appropriate assessment and through the use of a broad curriculum of practical academic subjects primarily designed to develop the ability to learn and to acquire useful knowledge and basic skills in its earliest stages. In its later stages, it grades all the way through the equivalent of a secondary education and appropriately interacts with the occupational service system, such as work adjustment. Special education is legally required of the public school district acting either as direct provider or as purchaser of the service.

s. Special living arrangements: Living arrangements for persons who need some degree of supervision. Special living arrangements should provide at least counseling and leisure-time activities in addition to living arrangements. The service is for disabled persons who can leave their place of residence for work, recreation or other reasons.

t. Treatment services: Interventions which halt, control or reverse those processes which cause, aggravate or complicate disability. Interventions may include treatment, such as surgical procedures, dietary controls, cosmetic therapy, chemotherapy, speech therapy or physical therapy, directed toward basic personal goals, dentistry, and medical treatments as indicated by the needs of the individual being served. Specialized medical and dental care are included.

u. Training services: Planned and systematic sequence of instruction in formal and informal activities based upon appropriate assessment and designed to develop skills in performing activities of daily living, including self-help, motor skills, and communications; to enhance emotional, personal, and social development; to provide experiences conducive to the acquisition of positive self-concepts and desire to learn; and to provide experiences basic for future productive activity. Emphasis is upon those skills needed to function as a member of the community. This service is not restricted to any particular age and can be offered at any appropriate time in the life of the individual who is mentally retarded.

v. Transportation services: Necessary travel and related costs in connection with transporting retarded persons to and from places in which they receive services. Transportation also includes taking services to the homebound, delivery of raw materials, and finished products from homebound industries when needed. The use of public transportation is included.

w. Vocational evaluation: Assessment of worker characteristics, through the use of unreal or simulated work tasks. The purpose is to assess occupational strengths and weaknesses, and potential for vocational development. It also includes prevocational evaluation and work evaluation. This requires the use of a rehabilitation facility or similar controlled experimental setting.

x. Volunteer services: Volunteer activities by individuals, service organizations and advocacy groups, provide a variety of services on a group or one-to-one basis that supplements and augments services provided to mentally retarded

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

## ADOPTED RULES

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persons. This may also include participation in advisory committees, advocacy activities and other forms of personal support to individuals. Such services are not to supplant staff services, and are ordinarily provided by unpaid persons and groups.

y. Work activity: It is for those whose productivity is such that they cannot meet the demands of sheltered employment. For people who need a work setting as part of their program in order to foster a sense of self-worth through work while earning a below minimum wage, it legally enables a wage to be paid. Work activity, in addition, includes a variety of creative, social, physical and learning activities. Work activity may be provided only in facilities having a Federal Wage and Hour certificate for this purpose. It differs from activity programs for adults in that there is a significant productive element: it differs from sheltered employment in that it allows a wage of up to one-fourth the standard minimum.

z. Work adjustment: Learning activities typically involving real or simulated work tasks and situations. It is intended to assist a person to develop basic skills, attitudes, motivation, and work habits of the kind needed in competitive employment, sheltered employment or work activity. It develops social skills needed to function in a work environment. Its focus is upon basic employability rather than upon the skills of a specific occupation.

## TAX COURT

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Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

### State of Minnesota

### Tax Court

Bruce A. Brown and  
Gerald J. Brown,

Appellants,

v.

The Commissioner of Revenue,

Appellee.

Docket No. 3037

In the Matter of an Appeal  
from the Commissioner's  
Order dated November 21, 1979,  
Relating to the Filing of a  
Minnesota Consumer's Use Tax  
Return for the Month of  
September, 1975.

Order Dated January 29, 1981.

The taxpayers have appealed from the Commissioner's Order dated November 21, 1979 relating to the filing of a Minnesota Consumer's Use Tax Return for the month of September, 1975, which order assessed use taxes, late filing penalty, and interest against the appellants.

The matter was heard by the undersigned and came before the undersigned by way of Stipulation to the Facts, Judge Jack Fena presiding.

Gerald J. Brown appeared pro se and on behalf of Bruce A. Brown, and James W. Neher, Special Assistant Attorney General, appeared for appellee.

#### Decision

The Order of the Commissioner of Revenue is reversed and the Court finds that the tax imposed by the Commissioner's Order is barred by the statute of limitations.

Jack Fena

#### Findings of Fact

1. The appellants, Bruce A. Brown and Gerald J. Brown, were during all periods relevant herein residents of Duluth, Minnesota.

2. On September 26, 1975, appellants purchased a Ranger 26 sailboat from North Shore Yacht Sales ("North Shore") at Duluth, Minnesota, for a price of \$13,831.00. A copy of the invoice is attached hereto as Exhibit A.

3. In accordance with its customary practice, North Shore filed with the Minnesota Department of Revenue ("Department") its periodic sales and use tax return for September, 1975 (attached hereto as part of Exhibit D), which included the sale of the boat to appellants. North Shore filed the return in the ordinary course of its business, using the sales and use tax account number assigned to it by the Department. On the return North Shore deducted from sales subject to tax the transaction in issue, expressly claiming that it was deductible for purposes of determining the sales tax due for the period in question on the ground that the Ranger 26 was a federally documented vessel. The boat was documented in October of 1975.

4. Subsequently, the Department commenced an audit of North Shore on November 14, 1978, in which it was determined that federal documentation of vessels did not render them exempt from the sales and use tax. Appellants' purchase of the Ranger 26 was discovered during the course of this audit, and on April 13, 1979, the Department sent a letter to Appellants stating that a use tax return should be filed and use tax paid with respect to the purchase of the boat. A copy of that letter is attached hereto as Exhibit B.

5. By letters dated April 23, 1979 and April 30, 1979, Gerald J. Brown responded to the Department, setting forth appellants' position with respect to the use tax question and enclosing a copy of the sales and use tax return for September, 1975, which previously had been filed by North Shore. Copies of those letters are attached hereto as Exhibits C and D.

6. By letter dated June 5, 1979, the Department replied to Mr. Brown, stating its position with respect to the use tax question. A copy of that letter is attached hereto as Exhibit E.

7. Following further correspondence and an office conference on November 6, 1979, the respective positions of the parties remained unchanged. On November 21, 1979, the Commissioner of Revenue filed a use tax return for appellants pursuant to Minn. Stat. § 297A.32, and issued his Order assessing \$553.24 use tax, \$138.31 late filing penalty, and \$281.73 interest, for a total assessed liability of \$973.28. A copy of the Commissioner's Order is attached as Exhibit F.

8. On January 21, 1980, appellants filed their Notice of Appeal from the Commissioner's Order and said appeal was timely filed.

At issue is whether the State of Minnesota is barred by the statute of limitations from assessing a use tax against a purchaser of property on which no tax was collected by the retailer, when the sale was reported in the sales and use tax return timely filed by the retailer more than 3 years from the date of the assessment, but claimed in the return to be exempt from taxation, and further when the Minnesota retailer files a timely sales and use tax return that reports the subject sale but deducts the transaction from taxable as exempt from the sales tax, and the assessment of the tax against the retailer is barred from the statute of limitations, does the statute of limitations for assessment of the use tax against the purchaser begin to run from the date on which the vendor's return was filed.

#### **Conclusions of Law**

1. Minn. Stat. 297A.34, subd. 1 (1978) bars the Commissioner from assessing a use tax against appellants who purchased property within Minnesota on which no tax was collected by the retailer, but the sale was reported by the retailer in a sales and use tax return timely filed by the retailer more than three years before the date of assessment, the retailer's return claiming that the sale was exempt from taxation.

#### **Memorandum**

The reporting by the retailer serves as notice to the state and starts the statute running. Without this interpretation in a case such as is before the Court, the statute would never start running for a consumer. While there are no direct cases on this question, this construction and theory would seem to be supported by the case of *Leisure Dynamics Inc. v. Falstaff Brewing Corporation* (Minn. S. Ct. July 3, 1980), 298 N.W. 2d 33. In that case the Minnesota Supreme Court considered the statute of limitations provisions of Chapter 297A in an action by a seller to receive from a buyer the sales tax liability assessment against the seller commenced more than 6 years following the sale. The court held that the statute "places on the seller the burden to decide if the tax is due and to be prepared to prove taxes not due if he fails to collect it."

In reading the statute as a whole, the court concludes that the legislature intended the statute of limitations to be applicable to the consumer in a case such as the one before the court.

Dated: January 27, 1981.

Jack Fena, Judge

# SUPREME COURT

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## Decisions Filed Friday, February 6, 1981

Compiled by John McCarthy, Clerk

51141/Sp. State of Minnesota v. Jerome Thomas Kruse, Appellant. Douglas County.

Evidence of defendant's guilt of criminal sexual conduct in the fourth degree was sufficient.

Trial court did not commit prejudicial error in any of its evidentiary rulings, in granting motion to amend the complaint at the conclusion of the state's case-in-chief, or in the manner in which it instructed the jury when the jury announced it was deadlocked.

Affirmed. Yetka, J.

## STATE CONTRACTS

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

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

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### Department of Economic Security Employment and Training Division

#### Notice of Request for Proposals (RFPs) for Consultant Services in Regard to Stress Management Training

1. Agency name and address: Minnesota Department of Economic Security, Employment and Training Division, Balance of State Office, 690 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101.
2. Contact person: Persons or organizations wishing to receive this Request for Proposal package, or who would like additional information may write Ray Winans, at the address provided in Item #1 above, or call (612) 296-2975 or Michael Crabill at (612) 296-6062.
3. Description: A notice for RFP has been issued on February 17, 1981, for the purpose of providing training to staff in the area of stress management, and as described in more detail in the RFP.
4. Cost: One award will be granted not to exceed \$6,000.00 in total costs.
5. Final proposal submission date: Proposals must be received by 4:30 p.m. March 13, 1981.

### Department of Economic Security Vocational Rehabilitation Division

#### Notice of Request for the Preliminary Proposals for Independent Living Grants Program

The purpose of this Request for Preliminary Proposals is to solicit program ideas which address the Independent Living needs of severely handicapped individuals in Minnesota. A preliminary proposal is a three page narrative overview of a program concept describing the project, the applicant organization, the service need, the project methodology, the planning process, and the program costs. Through a review of the preliminary proposals, the Division of Vocational Rehabilitation will select projects for further development and funding. The evaluation criteria and review process is described in the Request for Preliminary Proposals.

This grant authority is the result of a state appropriation for "Comprehensive Services for Independent Living." These funds were appropriated during the 1980-1981 biennium and made available for use in fiscal year 1981 by the 1980 state legislature to



support the federal Independent Living service mandate under the 1978 Title VII Amendments to the Rehabilitation Act of 1978 (P.L. 95-602). The total funding available under this authority is \$450,000. A minimum of ten projects will be funded. The maximum of any grant cannot exceed \$45,000 and consideration will be given to smaller requests. Grants under this authority will be for one year only.

An information session on preparing preliminary proposals will be held on February 24, 1981, 1:30-4:00 p.m. at the Radisson St. Paul Hotel, 11 East Kellogg Blvd., St. Paul, MN.

For copies of the Request for Preliminary Proposal contact:

David Sherwood, Independent Living Program Manager  
Division of Vocational Rehabilitation  
Third Floor, Space Center Building,  
444 Lafayette Road  
St. Paul, Minnesota 55101  
Phone (612) 297-3383

## **Energy Agency Conservation Division**

### **Notice of Request for Proposal for a Joint Minnesota/Wisconsin Industrial Energy Conservation Needs Assessment**

The Minnesota Energy Agency is issuing a request for proposal (RFP) for performing a joint needs assessment of Minnesota and Wisconsin industries to provide guidelines for Minnesota and Wisconsin industrial energy conservation programs.

The RFP may be obtained between February 17 and March 16, 1981, from:

Joseph M. Ball  
Minnesota Energy Agency  
980 American Center Building  
St. Paul, Minnesota 55101  
Telephone: (612) 296-4148

The deadline for receipt of proposals is March 16, 4:30 p.m. The amount of funds available for this effort is \$25,000.

Contractors with the Minnesota Energy Agency must apply for a certificate of Compliance from the Minnesota Department of Human Rights. All bidders must submit, along with their proposal to the Minnesota Energy Agency, a statement indicating that they have applied. Applications can be obtained by written request from the Minnesota Department of Human Rights, 240 Bremer Building, St. Paul, MN 55101.

## **Housing Finance Agency**

### **Notification of Fund Availability for 1981 Section 8 Housing Program**

The Minnesota Housing Finance Agency (MHFA) is requesting proposals for the new construction or substantial rehabilitation of multi-family housing developments under the Section 8 Housing Assistance Payments Program.

Based on approximately \$1.68 million in Section 8 funds from the U. S. Department of Housing and Urban Development (HUD), the MHFA will consider proposals exclusively for family housing and *only* from the counties and/or cities listed below:

Metro (Estimated Units: 150)

<u>Region</u>	<u>County</u>	<u>City<sup>(1)</sup></u>	<u>Maximum # of Section 8 Units<sup>(2)</sup></u>
7W	Benton	St. Cloud	
7W	Sherburne	Elk River	36
		St. Cloud	
7W	Stearns		
7W	Wright		
10	Olmsted	Rochester	40
11	Anoka		
11	Carver		

# STATE CONTRACTS

11	Dakota	Eagan	30
11	Hennepin		
11	Ramsey		
11	Scott		
11	Washington		

Non-Metro (Estimated Units: 100)

<u>Region</u>	<u>County</u>	<u>City<sup>(1)</sup></u>	<u>Maximum # of Section 8 Units<sup>(2)</sup></u>
1	Pennington	Thief River Falls*	30
4	Douglas	Alexandria	24
5	Crow Wing	Brainerd	24
5	Todd	Staples	24
6W	Yellow Medicine	Granite Falls	24
8	Lyon	Tracy	24
8	Murray	Slayton	24
8	Nobles	Worthington	30
9	Nicollet	North Mankato	30
9	Waseca	Waseca	20
10	Goodhue	Red Wing	30
10	Winona	Winona	36
10	Houston	LaCrescent	24

<sup>(1)</sup> In counties where a city is designated, proposals will only be accepted for the designated city. In counties where no city is designated, proposals will be accepted for any community, subject to a review of appropriateness for the market in the proposed community.

<sup>(2)</sup> In counties or communities for which no maximum number of units is specified, the maximum number will be determined on the basis of market for the community proposed and the general availability of funds.

\* In Thief River Falls the agency is soliciting applications only for an alternate list because a development proposal is currently being processed within this community.

These funds are available with 30 year Section 8 contract authority and a 30 year mortgage term.

The agency strongly encourages applications from minority and female developers/sponsors as well as developers who have not previously participated in the program. In addition, the agency encourages substantive minority involvement within the development team entity.

Approximately 60 additional units are available for Neighborhood Strategy Areas (NSA) in Minneapolis and St. Paul. These units are only for substantial rehabilitation.

Any developer who has previously submitted an application to MHFA for one of the specified counties or cities must indicate in writing between February 6 and March 20 that he wishes the application to be reconsidered. Additional data to be provided at this time include evidence of current site control, any changes in program, or any changes which might strengthen the proposal (e.g., updated market material, letters of support from the community, indications of improved site or utility conditions).

All applications should be consistent with all local and county HAP goals.

All applications, including those mailed to the Agency, must be received by the MHFA no later than 3 p.m. March 20, 1981. Applications received after that time will not be considered. All applications mailed to the Agency shall be by certified mail (return receipt requested). Anyone delivering an application to the agency must request a receipt.

A Developer's Packet containing application materials and selection procedures may be obtained from the Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota, 55101, or by calling (612) 297-3294.

# OFFICIAL NOTICES

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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.

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## Department of Administration Building Code Division Residential Energy Disclosure Program

### Notice of Scheduled Examinations for Certification of Evaluators for the Energy Disclosure Program

Test and Orientation—Orientation Sessions precede test.

March 5, 1981—Mankato AVTI  
1920 Lee Blvd.—Rm. A-166  
North Mankato, MN 56001  
1:30 to 3:30 p.m.

March 11, 1981—Detroit Lakes AVTI  
Hwy. 34 East  
Detroit Lakes, MN 56501  
1:30 to 3:30 p.m.

March 12, 1981—Duluth AVTI  
2101 Trinity Road—Rms. P1 & P2  
Duluth, MN 55811  
1:30 to 3:30 p.m.

Applications may be obtained from: Division of Building Codes and Standards, 408 Metro Square Building, 7th and Robert Sts., St. Paul, MN 55101, Phone: 612/296-4639.

All applications must be returned to the division at least TWO WEEKS PRIOR to the test.

## Department of Administration Data Privacy Division

### Notice of Intent to Consider An Application for Temporary Classification for Statewide Applicability

The Commissioner of Administration has received an application for temporary classification of certain financial statements submitted by the City of Duluth, Minnesota. The Commissioner has determined that it is advisable to consider this application for statewide applicability under the authority vested in him by Minnesota Statutes Section 15.1642 as amended by Chapter 603 Laws of Minnesota 1980. The Commissioner hereby gives notice of his intent to approve or disapprove, for the use of all cities in the State of Minnesota, a "private" classification of data for detailed financial statements submitted by developers in connection with economic development activity, except for financial data which is revealed by public hearing, ordinance, resolution, or contract by the City or which is revealed by the process of the hearing or of enacting or making any such ordinance, resolution or contract. "Economic development activity" means those efforts by the City to obtain commercial and industrial investment and expansion within the City. Any county, other government agency, association or member of the public who wishes to submit comments on this application must do so within 30 days of the publication of this notice. Comments received after 30 days need not be considered by the Commissioner. Comments should be submitted to the Commissioner of Administration, c/o Data Privacy Division, 200 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155. A copy of the application may also be obtained from the Data Privacy Division.

## OFFICIAL NOTICES

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### Department of Commerce Insurance Division

#### Meeting Notices

##### Minnesota Comprehensive Health Association

###### Board of Directors

Tuesday, April 14, 1981

11:00 a.m.

Blue Cross and Blue Shield

3535 Blue Cross Road

St. Paul, Minnesota and

###### Annual Meeting

Tuesday, June 16, 1981

10:00 a.m.

Room 51 State Office Building

St. Paul, Minnesota

Changes in any scheduled meetings and notices of any additional meetings will be posted or otherwise be available upon inquiry at the office of the Insurance Division, and may also be obtained by telephone from the Life and Health Section, telephone (612)-296-2202.

### Department of Education Executive Division

#### Applicants Sought for Minnesota Commissioner of Education

The Minnesota Board of Education/Board for Vocational Education is seeking applicants for the Minnesota Commissioner of Education. The appointment will be made on 6/1/81 with the position to be effective 7/1/81. Minimum qualifications include:

- at least three years experience in educational administration, including responsibility for budgeting;
- experience in working with local, state and national agencies and legislative bodies to promote legislation and secure funds;
- experience in designing, organizing and implementing educational programs including those with multiple sources of funding;

- an earned master's degree.

Applications and job description can be obtained from:

Minnesota Department of Education

Office of Employee Relations

754 Capitol Square Bldg.

St. Paul, MN 55101

(612) 296-3377

### Ethical Practices Board

#### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules and Amendments to Rules Governing Campaign Financing, Economic Interest Disclosure, Lobbyists, Conflict of Interest, Representation Disclosure and Hearings

Notice is hereby given that the Ethical Practices Board is seeking information or opinions from sources outside the Board in preparing to propose amendments and additions to the rules governing:

Campaign Financing (9 MCAR §§ 1.0001-1.0043)  
Economic Interest Disclosure (9 MCAR §§ 1.0100-1.0111)  
Lobbyists (9 MCAR §§ 1.0200-1.0209)  
Conflict of Interest (EC 300—EC 307)  
Representation Disclosure (EC 500—EC 507)  
Hearings (EC 601—EC 623)

Amendments to these rules are necessary as a result of statutory amendments, and to further implement and clarify the provisions of the Minnesota Ethics In Government Act, Minn. Stat. ch. 10A (1980). Minn. Stat. § 10A.02, subd. 13 (1980) authorizes the board to promulgate rules to carry out the purposes of §§ 10A.01 to 10A.34 of the Minnesota Statutes.

Interested or affected persons may submit written or oral comments, views or information concerning the subject matter of these rules. Written statements should be addressed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155. Oral statements will be received during regular business hours over the telephone at (612) 296-5148 and in person at the address above.

Comments, statements and information should be submitted by March 16, 1981. Any written material received by the Board will become part of the hearing record when the amended rules are promulgated.

Persons submitting comments, statements or information should be aware that, pursuant to Minn. Stat. §§ 10A.01, subd. 11 and 10A.03, subd. 1 (1980), certain persons who spend time or money attempting to influence administrative action, such as the adoption or amendment of rules, must register with the Ethical Practices Board as a lobbyist within five days after commencing such activity. Any questions concerning this requirement may be directed to the Board at the address or telephone number listed above.

February 9, 1981

Mary Ann McCoy, Executive Director

## **Ethical Practices Board**

### **Request for Advisory Opinion Re: Campaign Finance Contributions; Securities**

The Minnesota State Ethical Practices Board solicits opinions and comments on the following request for an advisory opinion which will be discussed at its February 27, 1981 Board meeting. Written comments concerning the opinion request should be forwarded to arrive at the board's office prior to February 23, 1981.

Ms. Mary Ann McCoy, Executive Director  
Minnesota Ethical Practices Board  
41 State Office Building  
St. Paul, MN 55155

Dear Ms. McCoy:

Per your request in a telephone conversation last week, this letter serves as a written request for information.

We have been informed by several potential contributors that they would prefer to make their contributions in the form of stock versus cash. Accordingly, we are currently investigating the possibility of establishing an account in the name of the MN. DFL Party with a local brokerage. Prior to initiating such an account, however, we would appreciate your advice on the establishment and reporting of such contributions.

It is my assumption that, should we establish such an account with a local brokerage, we would have to amend our Statement of Organization with the State of Minnesota to specify the location of such an account. Furthermore, it is my assumption that such contributions would be reported as in-kind contributions with a value of the stock on the specific date of transfer. Would you kindly inform me if these assumptions are accurate. Also, we would like complete information regarding the eligibility of contributions and the corresponding reporting requirements for both certificated securities and non-certificated securities, and any other information you might be able to provide regarding transference of shares of common stock, municipal bonds, or other non-cash assets which might be offered as contributions to a political party.

Your assistance in clarifying the above assumptions and questions will be greatly appreciated.

Very truly yours,

Bruce Beattie  
Finance Director

# OFFICIAL NOTICES

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## Ethical Practices Board

### Request for Advisory Opinion Re: Potential Conflict of Interest

The Minnesota State Ethical Practices Board solicits opinions and comments to the following request for an advisory opinion which will be discussed at its February 27, 1981 Board meeting. Written comments concerning the opinion request should be forwarded to arrive at the Board's office prior to February 23, 1981.

Mary Ann McCoy, Executive Director  
Ethical Practices Board  
41 State Office Building  
St. Paul, MN 55155

With regard to your conversation with my secretary this afternoon relative to my letter to Speaker Sieben dated January 30, 1981 (a copy of which was sent to you under separate cover), . . . I believe that my letter to Speaker Sieben explains my position on this matter. If you have any further questions, please feel free to contact me.

Sincerely,

Doug Carlson, Assistant I-R Caucus Leader

The Honorable Harry Sieben

Dear Mr. Speaker:

I have requested an opinion from the Ethical Practices Board as to whether another potential conflict of interest notice is required of me for the 1981-82 legislative session relative to the building which I own in Sandstone which is leased to Independent School District No. 576 of Sandstone. In the absence of such an opinion, I am enclosing a copy of my previous potential conflict of interest notice as well as a copy of the current lease agreement with the school district.

The terms of the lease clearly set forth the facts in the matter, and I believe it is clear that I as the lessor do not stand to gain financially from legislation which may be passed affecting the lessee. The only change which has occurred since the inception of this agreement is that while we did not receive any rent for the building during the first two or three years of the agreement, due to substantial expenses incurred in roof repair and maintenance and the removal of a hazardous smokestack as well as increased insurance costs, we have no longer been able to continue to provide the building on a rent free basis. The current lease terms provide for the payment of 85 cents per square foot.

Inasmuch as my 1978 opponent used the Ethical Practices Board as a means of political harassment, the former executive director, Mr. Allen Clutter, recommended that I file the enclosed potential conflict of interest notice. The complete records pertaining to the hearings held by the Ethical Practices Board as a result of my former opponent's charges as well as the resultant decisions by the Ethical Practices Board are available to you either through the Ethical Practices Board or through my office.

Sincerely,

Doug Carlson, Assistant I-R Caucus Leader

## Metropolitan Health Board

### St. Mary's Hospital

#### Public Hearing Regarding Certificate of Need

The Metropolitan Health Board will hold a Certificate of Need/Federal 1122 Public Hearing on Wednesday, February 25 at 5 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, Minnesota 55101, for the purpose of receiving written and oral comments for St. Mary's Hospital 2414 S. Seventh St., Minneapolis, MN 55454, to replace remote controlled radiographic/fluoroscopic equipment, at an estimated cost of \$384,250. For further information, contact the Metropolitan Health Board at the above address or telephone 291-6352.

Barbara O'Grady, Chairperson  
Metropolitan Health Board

## **State Board of Investment**

### **Notice of Regular Meeting**

The State Board of Investment will meet Tuesday, February 17, at 9:45 a.m. in Room 130 of the State Capitol. The board invites comments on whether and how it should target investments to impact the Minnesota economy.

## **Department of Transportation**

### **Allocation of Funds from the State Highway Safety Services Appropriation for Installation of Passive Advance Warning Signs in Minnesota along the Duluth, Missabe and Iron Range Railway Company (DM & IR) Mainline from Duluth, Minnesota to Ely, Minnesota via Two Harbors, Minnesota; and, Wales, Minnesota to Reserve Mining Junction**

#### **Notice of and Order for Hearing**

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 17, 1981 at 1:30 p.m. in the Council Chambers, City Hall, 610-2nd Avenue, Two Harbors, Minnesota.

The hearing will be held before Mr. Richard Luis, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8114) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minnesota Statutes § 15.0411 through Minnesota Statutes § 15.052 and 9 MCAR § 2.201 through § 2.222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Mr. Robert G. Swanson, Manager — Railroad Operations, 419 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2472).

The purpose of the hearing is to ensure that under the provisions of Minnesota Statutes §§ 219.14, 219.17 and 219.26 all parties and potential parties of interest are given an opportunity to be heard on the proposed allocation of funds from the State Highway Safety Devices Appropriation pursuant to Minnesota Statutes § 219.40 and Laws of Minnesota 1979, Extra Session, Chapter 1, Section 3, Highway Safety Improvement. Said funds will be used in conjunction with assistance available to the State of Minnesota under the Surface Transportation Assistance Act of 1978 (Public Law 95-999) to erect and install passive advance warning signs in Minnesota along the Duluth, Missabe and Iron Range Railway Company (DM & IR) Mainline from: Duluth, Minnesota to Ely, Minnesota via Two Harbors, Minnesota; and, Wales Minnesota to Reserve Mining Junction.

Any person who desires to become a Party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to 9 MCAR § 2.210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought.

All parties are advised that if a party intends to appear at the hearing scheduled for March 17, 1981, the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.

The above cited procedural rules are available at the Office of Administrative Hearings or may be purchased from the Documents Section of the Department of Administration, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155 (Telephone: 612-297-3000). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents. If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

February 9, 1981

Richard P. Braun  
Commissioner

# OFFICIAL NOTICES

DMIR  
Duluth to Ely (via) Two Harbors  
Wales, Minnesota to Reserve Mining Junction

D-5079  
R-3791

<u>County</u>	<u>State Crossing No.</u>	<u>Federal Crossing No.</u>	<u>Road Authority</u>	<u>State Road Designation</u>
St. Louis	69-09-73	252-162X	City of Duluth	21st Ave. E.
	69-09-74	252-163E	City of Duluth	22nd Ave. E.
	69-09-75	252-164L	City of Duluth	23rd Ave. E.
	69-09-76	252-168N	City of Duluth	40th Ave. E.
	69-09-79	252-171W	City of Duluth	43rd Ave. E.
	69-09-80	252-172D	City of Duluth	Cambridge E.
	69-09-84	252-176F	City of Duluth	Robinson St.
	69-09-85	252-177M	City of Duluth	MSAS 169-47th Ave. E.
	69-09-86	252-178U	City of Duluth	MSAS 170-McCulloch St.
	69-09-87	252-180V	City of Duluth	51st Ave. E.
	69-09-88	252-182J	City of Duluth	54th Ave. E.
	69-09-89	252-184X	City of Duluth	58th Ave. E.
	69-09-91	252-186L	City of Duluth	61st Ave. E.
	69-09-92	252-188A	City of Duluth	69th Ave. E.
	69-09-93	252-189G	City of Duluth	Lakewood Road
	69-09-101	252-191H	County of St. Louis	C.R. 693
	69-09-102	252-192P	County of St. Louis	CSAH 51
	69-09-103	252-193W	County of St. Louis	CSAH 42
	69-09-104	252-195K	Duluth Township	Twp. 119
Lake	38-09-02	252-200E	County of Lake	C.R. 104
	38-09-04	252-202T	Unorganized Twp.	U.T. 63
	38-09-15A	252-233S	City of Two Harbors	6th St.
	38-09-15B	252-234Y	City of Two Harbors	6th St.
	38-09-16A	252-236M	City of Two Harbors	3rd St.
	38-09-16B	252-237U	City of Two Harbors	3rd St.
	38-09-20	252-242R	County of Lake	CSAH 19-15th St.
	38-09-21	252-245L	Unorganized Twp.	U.T. 30
	38-09-22	252-247A	Unorganized Twp.	U.T. 33
	38-09-23	252-248G	Unorganized Twp.	U.T. 33
	38-09-26	252-251P	County of Lake	CSAH 13
	38-09-27	252-252W	Unorganized Twp.	U.T. 38
	38-09-28	252-254K	Unorganized Twp.	U.T. 47
	38-09-29	252-352B	County of Lake	CSAH 14
	38-09-30	252-351U	County of Lake	CSAH 14
	38-09-32	252-354P	County of Lake	CSAH 2
	St. Louis	69-09-107	252-258M	County of St. Louis
69-09-107A		252-260N	Fairbanks Twp.	Twp. 2199
69-09-110		252-265X	NFD	NFD 11
69-09-111		252-264R	County of St. Louis	C.R. 569
69-09-112		252-267L	City of Hoyt Lakes	City Street
69-09-113		252-268T	City of Hoyt Lakes	City Street
69-09-116		252-271B	County of St. Louis	C.R. 362
69-09-118		252-273P	County of St. Louis	C.R. 627
69-09-121		252-276K	County of St. Louis	CSAH 26
69-09-122		252-279F	Kugler Twp.	Twp. 4599
69-09-123		252-280A	Breitung Twp.	Twp. 2141
69-09-131		252-281G	Breitung Twp.	Twp. 4597



69-09-133	252-284C	County of St. Louis	C.R. 599
69-09-134	252-285J	County of St. Louis	CSAH 128
69-09-139	252-296W	City of Ely	Pioneer Road
69-09-142	252-297D	City of Ely	Chandler Road
69-09-144A	252-301R	County of St. Louis	CSAH 88

**Notice of Appearance**

Date of Hearing: March 17, 1981

Name and Telephone Number of Hearing Examiner: Richard Luis  
1745 University Avenue  
Saint Paul, Minn. 55104  
296-8114**TO THE HEARING EXAMINER:**

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_

**Department of Transportation****Allocation of Funds from the State Highway Safety Services Appropriation for the Installation of Passive Advance Warning Signs along the Soo Line Railroad Company (Soo) Mainline from: Brooten, Minnesota to East State Line via Nemadji, Minnesota; and, Moose Lake, Minnesota to Schley, Minnesota via McGregor, Minnesota****Notice and Order for Hearings**

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 18, 1981 at 9:30 A.M. in the City Hall, 205 Elm Avenue, Moose Lake, Minnesota.

The hearing will be held before Mr. Richard Luis, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8114) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minnesota Statutes § 15.0411 through Minnesota Statutes § 15.052 and 9 MCAR § 2.201 through § 2.222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Mr. Robert G. Swanson, Manager—Railroad Operations, 419 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2472).

The purpose of the hearing is to ensure that under the provisions of Minnesota Statutes §§ 219.14, 219.17 and 219.26 all parties and potential parties of interest are given an opportunity to be heard on the proposed allocation of funds from the State Highway Safety Devices Appropriation pursuant to Minnesota Statutes § 219.40 and Laws of Minnesota 1979, Extra Session, Chapter 1, Section 3, Highway Safety Improvement. Said funds will be used in conjunction with assistance available to the State of Minnesota under the Surface Transportation Assistance Act of 1978 (Public Law 95-999) to erect and install passive advance warning signs in Minnesota along the Soo Line Railroad (Soo) Mainline from: Brooten, Minnesota to East State Line via Nemadji, Minnesota; and Moose Lake, Minnesota to Schley, Minnesota via McGregor, Minnesota.

Any person who desires to become a Party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to 9 MCAR § 2.210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought.

# OFFICIAL NOTICES

All parties are advised that if a party intends to appear at the hearing scheduled for March 18, 1981, the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.

The above cited procedural rules are available at the Office of Administrative Hearings or may be purchased from the Documents Section of the Department of Administration, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155 (Telephone: 612-297-3000). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents. If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

February 9, 1981

Richard P. Braun  
Commissioner

## Soo Line Railroad Moose Lake to Schley (via) McGregor

D—5078a  
R—3790

<u>County</u>	<u>State Crossing No.</u>	<u>Federal Crossing No.</u>	<u>Road Authority</u>	<u>State Road Designation</u>
Carlton	09-08-303	694-226C	County of Carlton	CSAH 12
	09-08-301	694-288R	County of Carlton	CSAH 19
Aitkin	01-08-113	694-232F	Salo Twp.	Twp. 196
	01-08-114	694-233M	Salo Twp.	Twp. 208
	01-08-115	694-234U	County of Aitkin	CSAH 13
	01-08-117	694-238W	County of Aitkin	CSAH 30
	01-08-119	694-243T	County of Aitkin	CSAH 8
	01-08-122	694-246N	County of Aitkin	C.R. 62
	01-08-127A	694-253Y	Logan Twp.	Twp. Road
	01-08-132	694-261R	County of Aitkin	CSAH 29
	01-08-133	694-262X	County of Aitkin	C.R. 67
	Cass	11-08-201	694-263E	County of Cass
11-08-205		694-264L	County of Cass	C.R. 133
11-08-207		694-268N	Lima Twp.	Twp. Road
11-08-208		694-269V	City of Remer	Atlas Ave.
11-08-211		694-271W	City of Remer	Park Ave.
11-08-212		694-272D	City of Remer	N. Corp. Limits
11-08-213		694-273K	County of Cass	C.R. 130
11-08-214		694-277M	NFD 456	NFD 456
11-08-215		694-278U	County of Cass	CSAH 53
11-08-216		694-279B	City of Boy River	1st Ave.
11-08-219		694-283R	County of Cass	CSAH 63
11-08-220		694-287T	County of Cass	C.R. 154—Federal Dam
11-08-221		694-288A	City of Federal Dam	2nd Ave.
11-08-222		694-290B	County of Cass	CSAH 8
11-08-223		694-292P	NFD 138	NFD 138
11-08-224		694-294D	NFD 131	Portage Road
11-08-225	694-295K	NFD 2132	Sucker Bay Road	
11-08-226	694-297Y	NFD 135	NFD 135	

Soo Line Railroad Company  
 Brooten, Minnesota to East State Line (via) Nemadji, Minnesota

<u>County</u>	<u>State Crossing No.</u>	<u>Federal Crossing No.</u>	<u>Road Authority</u>	<u>State Road Designation</u>	
Stearns	73-08-301	689-362S	Crow Lake Twp.	Twp. 890	
	73-08-302	689-365M	County of Stearns	C.R. 201	
	73-08-303	689-370J	North Fork Twp.	Twp. 767	
	73-08-304	689-371R	North Fork Twp.	Twp. 879	
	73-08-305	689-372X	North Fork Twp.	Twp. 901	
	73-08-307	689-376A	Lake George Twp.	Twp. 872	
	73-08-308	689-377G	Lake George Twp.	Twp. 867	
	73-08-310C	689-381W	City of Elrosa	Main St.	
	73-08-313	689-384S	Lake George Twp.	Twp. 682	
	73-08-315	689-389B	Lake George Twp.	Twp. 741	
	73-08-316	689-391C	Grove Twp.	Twp. 851	
	73-08-318	689-396L	City of Greenwald	Near 5th St.	
	73-08-319	689-397T	City of Greenwald	3rd St.	
	73-08-321	689-401F	Grove Twp.	Twp. 913	
	73-08-322	689-406P	Grove Twp.	Twp. 836	
	73-08-323	689-409K	Oak Twp.	Twp. 830	
	73-08-325	689-414G	Oak Twp.	Twp. 916	
	73-08-328	689-424M	Albany Twp.	Twp. 199	
	73-08-329	689-429W	Albany Twp.	Twp. 359	
	73-08-329A	689-431X	Albany Twp.	Twp. 1003	
	73-08-330	689-433L	Albany Twp.	Twp. 104	
	73-08-330B	689-437N	City of Albany	N. Corp. Limits	
	73-08-332	689-442K	County of Stearns	C.R. 152	
	73-08-333	689-445F	Krain Twp.	Twp. 337	
	73-08-335	689-453X	City of Holdingford	Plymouth St.	
	73-08-338	689-458G	Holding Twp.	Twp. 320	
	73-08-339	689-461P	Holding Twp.	Twp. 41	
	73-08-340	689-462W	Holding Twp.	Twp. 39	
	Morrison	49-08-202	689-465S	County of Morrison	CSAH 21
		49-08-204	695-352A	City of Bowlus	1 Blk. S. of Martin St.
		49-08-205	695-353G	City of Bowlus	Main St.
		49-08-207	695-356C	Two Rivers Twp.	Twp. 214
		49-08-208	695-357J	Two Rivers Twp.	Twp. 138
49-08-209		695-360S	Swan River Twp.	Twp. 193	
49-08-210		695-361Y	Swan River Twp.	Twp. 131	
49-08-212		695-362F	Bellevue Twp.	Twp. 304	
49-08-213		695-366H	County of Morrison	C.R. 232	
49-08-214		695-368W	County of Morrison	CSAH 34	
49-08-216		695-369D	Bellevue Twp.	Twp. 332	
49-08-217		695-371E	Bellevue Twp.	Twp. 332	
49-08-219		695-374A	Agram Twp.	Twp. 343	
49-08-219A		695-375G	Agram Twp.	Twp. 1	
49-08-220		695-376N	Agram Twp.	Twp. 334	
49-08-221		695-377V	Agram Twp.	Twp. 348	
49-08-223		695-381K	Pierz Twp.	Twp. 247	
49-08-224		695-382S	County of Morrison	C.R. 254	
49-08-225		695-383Y	Pierz Twp.	Twp. 449	
49-08-227		695-386U	Pierz Twp.	Twp. 450	
49-08-228		695-387B	County of Morrison	C.R. 251	
49-08-229		695-388H	Pierz Twp.	Twp. 454	

# OFFICIAL NOTICES

<u>County</u>	<u>State Crossing No.</u>	<u>Federal Crossing No.</u>	<u>Road Authority</u>	<u>State Road Designation</u>	
Mille Lacs	49-08-230	695-389P	Pierz Twp.	Twp. 506	
	49-08-231	695-390J	Pierz Twp.	Twp. 464	
	49-08-232	695-391R	Hillman Twp.	Twp. 463	
	49-08-233	695-392X	County of Morrison	CSAH 37	
	49-08-234	695-396A	County of Morrison	CSAH 39	
	48-08-101	695-400M	County of Mille Lacs	C.R. 103	
	48-08-103	695-403H	County of Mille Lacs	CSAH 25	
	48-08-104	695-405W	Onamia Twp.	Twp. 52	
	48-08-105	695-407K	City of Onamia	So. Corp. Limits	
	48-08-109	695-412G	County of Mille Lacs	CSAH 23	
	48-08-110	695-413N	South Harbor Twp.	Twp. 37	
	48-08-111	695-414V	County of Mille Lacs	C.R. 154	
	48-08-112	695-416S	County of Mille Lacs	C.R. 128	
	48-08-113	695-417R	Isle Harbor Twp.	Twp. 33	
	48-08-114	695-420Y	County of Mille Lacs	CSAH 23 (Wahkon)	
	48-08-115	695-421F	County of Mille Lacs	CSAH 17 (Wahkon)	
	48-08-116	695-422M	City of Wahkon	Main St.	
	48-08-117	695-423U	City of Wahkon	1st Ave.	
	48-08-118	695-425H	County of Mille Lacs	CSAH 7 (Isle)	
48-08-119	695-426P	City of Isle	3rd Ave.		
48-08-120	695-427W	City of Isle	Hennepin Ave.		
Aitkin	01-08-101	695-429K	County of Aitkin	C.R. 60	
	01-08-104	695-435N	Williams Twp.	Twp. 11	
	01-08-105	695-436V	County of Aitkin	CSAH 9 (McGrath)	
	01-08-106	695-441S	Pliny Twp.	Twp. 16	
	01-08-107	695-442Y	Pliny Twp.	Twp. 217	
	01-08-108	695-443F	Pliny Twp.	Twp. 21	
	01-08-109	695-445U	Forest Twp.	Twp. 28	
	01-08-110	695-446B	County of Aitkin	CSAH 2	
	01-08-111	695-447H	Unorganized Twp.	U.T. 37	
	01-08-112	695-448P	County of Aitkin	CSAH 27	
	Pine	58-08-202	695-452E	Birch Creek Twp.	Twp. 696
		58-08-203	695-455A	County of Pine	CSAH 40 (Denham)
58-08-204		695-456G	County of Pine	CSAH 52 (Denham)	
58-08-205		695-457N	Sturgeon Lake Twp.	Twp. 727	
58-08-206		695-458V	Sturgeon Lake Twp.	Twp. 647	
58-08-209		695-461D	Sturgeon Lake Twp.	Twp. 65	
58-08-210		695-462K	Sturgeon Lake Twp.	Twp. 668	
58-08-211		695-463S	County of Pine	C.R. 165	
Carlton	09-08-308	694-215P	Moose Lake Twp.	Twp. 247	
	09-08-310	694-210F	County of Carlton	CSAH 13	
	09-08-311	694-207X	Barnum Twp.	Twp. 290 (Beaver Road)	
	09-08-313	694-200A	Blackhoof Twp.	Twp. 338	
	09-08-314	694-197U	County of Carlton	CSAH 6	
	09-08-315	694-196M	County of Carlton	C.R. 103	

**Notice of Appearance**

Date of Hearing: March 18, 1981

Name and Telephone Number of Hearing Examiner: Richard Luis  
1745 University Avenue  
Saint Paul, Minn. 55104  
296-8114

**TO THE HEARING EXAMINER:**

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

State Register and Public Documents Division  
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St. Paul, Minnesota 55155

## ORDER FORM

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