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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 8			
1	Monday June 20	Friday June 24	Monday July 4
2	Monday June 27	Friday July 1	Monday July 11
3	Friday July 1	Monday July 11	Monday July 18
4	Monday July 11	Monday July 18	Monday July 25

*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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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 and filed with the Secretary of State before September 15, 1982, are published in the Minnesota Code of Agency Rules 1982 Reprint. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, Minnesota Rules, scheduled for publication in spring of 1984. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the MCAR 1982 Reprint are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the 1982 Reprint 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:

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

Executive Order No. 83-27

Providing for Representation by Women, Minorities, Handicapped, and Veterans on Private Industry Councils

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Job Training Partnership Act, Public Law 97-300, hereinafter referred to as the JTPA, establishes programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment; and

WHEREAS, it is required by JTPA that there be established within each Service Delivery Area (SDA), a Private Industry Council (PIC) whose initial members are to be appointed by the area's Chief Elected Official(s). Said Council is to be composed of representatives of the private business sector, educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies, the public employment service, and the general public to provide policy and program guidance for activities under JTPA within the SDA; and

WHEREAS, JTPA requires that each SDA Job Training Plan shall provide employment and training opportunities to those who can benefit, and who are most in need of, such opportunities and shall make efforts to provide equitable services among substantial segments of the eligible population; and

WHEREAS, it is vital that the PIC provide for employment and training services which appropriately address the multiple employment barriers and special needs of particular segments of the local population; and

WHEREAS, appropriate services for special segments of the population can best be identified by qualified persons who have encountered those barriers.

NOW, THEREFORE, I order:

1. That women, minorities, handicapped, and veterans who fall within the categories specified in Section 102 of the Job Training Partnership Act, be considered for appointment to each Private Industry Council in sufficient numbers to adequately represent those groups within the Service Delivery Area.

2. That PIC representatives of special populations be encouraged to review, monitor, and evaluate JTPA services for their impact on the employment barriers of their constituencies and to submit reports and recommendations to their PIC on this subject.

3. That the Service Delivery Area Job Training Plan address the multiple needs of women, minorities, handicapped, and veterans to the end that all available community resources be coordinated to address those needs.

Pursuant to Minnesota Statutes 1982, Section 4.035, this Order shall be effective 15 days after publication in the *State Register* and filing with the Secretary of State and shall remain in

EXECUTIVE ORDERS

effect until it is rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I hereunto set my hand this 14th day of June, 1983.



Executive Order No. 83-28

Prescribing the Manual for Military Justice, 1983, State of Minnesota

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and Minnesota Statutes, Chapter 192A, do hereby prescribe the following manual for military justice, to be designated as "Manual for Military Justice, State of Minnesota, 1983".

This manual shall be in force and effect in the state military forces from this date forward with respect to all nonjudicial punishment and court-martial processes.

Executive Order No. 15, dated February 5, 1965, and the "Manual for Military Justice, State of Minnesota" prescribed therein are hereby rescinded.

Pursuant to Minnesota Statutes 1982, Section 4.035, this Order shall be effective 15 days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I hereunto set my hand this 14th day of June, 1983.



PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Office of Administrative Hearings

Proposed Amendments to Procedural Rules for Workers' Compensation Hearings

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Chief Hearing Examiner proposes to adopt amendments to the above-entitled rules without a public hearing. The Chief Hearing Examiner has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 to 14.28.

Persons interested in these rules shall have until 30 days after publication in the *State Register* to submit comments on the proposed amendments. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Chief Hearing Examiner and do not result in a substantial change to the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the comment period, a public hearing will not be held. In the event a public hearing is required, the office will proceed according to the provisions of Minn. Stat. §§ 14.13 to 14.20.

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

Duane R. Harves, Chief Hearing Examiner
Minnesota Office of Administrative Hearings
400 Summit Bank Building
310 Fourth Avenue South
Minneapolis, MN 55415
Telephone No. 612/341-7640

Authority for the adoption of these rules is contained in Minn. Stat. § 14.51. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and which identifies the data and information relied upon to support the proposed amendments has been prepared and is available from the Chief Hearing Examiner upon request.

Upon adoption of the final rules without a public hearing, the proposed amendments, this notice, 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 the Chief Hearing Examiner.

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

The proposed rules follow this notice. The amendments to the rules are amendments to implement the provisions of laws of Minnesota 1983 Chapter 290 which was the Workers' Compensation legislation.

Rules as Proposed

9 MCAR § 2.306 Notice of intention to discontinue compensation payments.

A. Hearing. When an objection to a notice of intention to discontinue compensation payments or an objection to a decision of the commissioner allowing a discontinuance has been filed or where it ~~appears to the commissioner that the right to compensation may not have terminated~~ a petition to discontinue has been filed and the matter has been referred to the chief hearing examiner, it shall be set for hearing on a priority basis not less than 30 nor more than 75 days from the date of the receipt of the matter from the commissioner.

B. Objection as claim petition. Any objection filed more than 120 days after service of a notice to discontinue or an order of the commissioner allowing the discontinuance shall be treated as a claim petition for purposes of scheduling a hearing and shall not be heard on a priority basis.

C. Petitions for discontinuance. When an employer or insurer petitions the commissioner for an order allowing discontinuance of benefits but has chosen not to discontinue payments until after a final determination and the matter has been referred to the chief hearing examiner, the petitioner shall be entitled to a hearing on the same priority basis as set forth in A. After an administrative conference on a notice to discontinue, a petition to discontinue pursuant to Minnesota Statutes, section 176.242, subdivision 5, filed more than 120 days following the issuance of the commissioner's order disallowing the discontinuance shall not be given priority status for the purpose of scheduling a hearing.

9 MCAR § 2.312 Disqualification.

A compensation judge shall withdraw from participation in a case at any time if the judge deems himself or herself disqualified, prejudiced, or biased for any reason. ~~Proceedings to disqualify a compensation judge shall be initiated by the service on all parties and the filing of a motion for disqualification supported by affidavit stating in detail facts establishing grounds for disqualification of the compensation judge to whom a case or proceeding has been assigned. The motion for disqualification~~ Any party or his attorney may make and serve on the opposing party and file with the chief hearing examiner an affidavit stating that, on account of prejudice or bias on the part of the judge who is to preside at the hearing, he has good reason to believe and does believe that he cannot have a fair hearing before the assigned judge. Each party shall be allowed one filing under this section on any one case. The affidavit shall be filed with the chief hearing examiner not more than ten days after the moving party has received notice of the assignment of the judge to the hearing or has knowledge of the grounds for disqualification, prejudice, or bias, whichever occurs last. The motion shall be determined by the chief hearing examiner or his designee. The fact that a compensation judge has previously determined a similar case contrary to the interests of the moving party in the pending case shall not be grounds for disqualification Upon the filing of the affidavit, with proof of service, the chief hearing examiner shall assign the case to another judge.

Unless required because of the unavailability of a compensation judge to hear the case, no continuance shall be granted by reason of a disqualification under this section. If a continuance is necessary, another regular hearing will be scheduled as early as possible.

Consolidated cases are to be considered as one case within the meaning of this section. This section is not applicable to settlement or pretrial conferences.

9 MCAR § 2.314 Discovery.

A. [Unchanged.]

B. Depositions. Pursuant to the provisions of ~~Minn. Stat. §~~ Minnesota Statutes, section 176.411, subd. subdivision 2, depositions may be taken in the manner which the law provides for depositions in civil actions in the district courts for the state, except where a compensation judge orders otherwise. When a party has objected to the taking of a deposition, the party requesting the deposition shall bring a motion before the compensation or calendar judge, before whom the case is pending at the time of the motion, who shall determine whether the deposition should go forward. The motion shall state, with specificity, the facts or other reasons supporting the need for the deposition. The compensation or calendar judge shall order the deposition to proceed if the judge finds that the request for the taking of the deposition has been shown to be needed for the proper presentation of a party's case, is not for purposes of delay, that unusual or extraordinary circumstances exist which compel extensive discovery, or that the issues or amounts in controversy are significant enough to warrant extensive discovery.

Depositions for the purpose of preserving testimony or for presenting testimony due to the unavailability of the witness shall be allowed. Unless, for good cause shown, the party taking the deposition has obtained the permission of the calendar judge, or compensation judge if the case has been assigned for hearing, to take the deposition subsequent to the hearing, it shall

be taken sufficiently in advance of the hearing so that the deposition is filed prior to or at the commencement of the regular hearing.

Pursuant to Minnesota Statutes, section 176.155, subdivision 5, the cross-examination of a physician or health care provider prior to hearing is specifically allowed. Unless ordered otherwise by a compensation judge, the cross-examination deposition shall be completed and the original filed with the office at or prior to the hearing on the case.

The original copy of any deposition taken for purposes of presenting testimony in the case shall be filed with the office if the matter has been referred to the chief hearing examiner for assignment. The original copy of any deposition taken solely for purposes of discovery shall be sealed and filed as in the case of evidentiary depositions but shall not be reviewed or utilized in any fashion by the compensation judge unless the deposition shall be formally entered as evidence in the case.

C.-E. [Unchanged.]

9 MCAR § 2.317 The hearing.

A. [Unchanged.]

B. Availability of ~~medical~~ witnesses. As soon as the parties are apprised of the date scheduled for the hearing, they shall immediately notify all ~~medical~~ witnesses in writing and arrange for their presence or for the taking of their deposition pursuant to 9 MCAR § 2.314 B.

C. Medical ~~reports~~ evidence.

1. If a party believes that the oral testimony of a physician or health care provider is crucial to the accurate determination of the employee's disability, the party shall prepare, serve on all other parties, and file with the office a written motion, with supporting affidavits if deemed necessary, requesting a written finding from a judge on the cruciality of the oral testimony. The motion must be filed at or prior to the filing of a pretrial statement. Any party may file an objection to the motion. Objections must be filed within ten calendar days of the service of the motion.

2. Upon receipt of a motion under C.1. a compensation judge shall, after waiting for objections to be filed, issue an order granting or denying the motion, stating the reasons for the order.

3. Absent a motion by a party, if, upon review of a case prior to the hearing date, a compensation judge finds that the oral testimony of a physician or health care provider may be crucial to the accurate determination of the employee's disability, the judge shall issue an order requiring that the full testimony be presented in person or by oral deposition.

4. If, during the course of a hearing, a judge determines that the appearance of the physician or health care provider is crucial to the accurate determination of the employee's disability, the judge shall either continue the hearing to a date, time, and place for the testimony to be taken, or order that the testimony be taken in full by oral deposition.

5. The production of medical evidence in the form of written reports, ~~by stipulation of the parties is encouraged~~ is required by Minnesota Statutes, section 176.155, subdivision 5. These reports ~~should~~ shall include, in the following order:

- ~~1-~~ a. The date of the examination;
- ~~2-~~ b. The history of the injury;
- ~~3-~~ c. The patient's complaints;
- ~~4-~~ d. The source of all facts set forth in the history and complaints;
- ~~5-~~ e. Findings on examination;
- ~~6-~~ f. Opinion as to the extent of disability and work limitations, if any;
- ~~7-~~ g. The cause of the disability and, if applicable, whether the work injury was a substantial contributing factor toward the disability;
- ~~8-~~ h. The medical treatment indicated;

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~~9.~~ i. If permanent ~~partial~~ disability is an issue, an opinion as to whether or not the permanent disability has resulted from the injury and whether or not the condition has stabilized. If stabilized, a description of the disability with a complete evaluation; and

j. If a permanent disability is a result of two or more injuries or occurrences, or if part of the permanent disability is a result of a preexisting disability that arises from a congenital condition, the report shall apportion the disability between the injuries, occurrences, or conditions;

k. If future medical care or treatment is anticipated, a statement of the nature and extent of the treatment recommended and, if possible, the anticipated results; and

~~10.~~ l. The reason or reasons for the opinion or opinions.

6. Medical reports to be used to support a party's position shall be served on all other parties and filed with the office, with proof of service, prior to or at the time of the filing of a pretrial statement, unless it can be shown that the delay in filing the report was caused by a failure of the employee to report for an adverse medical examination or to provide medical support for the claim on a timely basis or other good cause.

D.-J. [Unchanged.]

9 MCAR § 2.318 The compensation judge's decision.

A. [Unchanged.]

B. Compensation judge decisions.

1. ~~Following~~ Within 60 days after the close of the record, the compensation judge shall prepare his or her decision and, upon completion, it shall be served on all parties. The record shall be considered to be closed upon the submission of the entire case to the judge including any late filed exhibits, depositions, or legal memoranda but excluding the time for submission or a proposed decision by any party.

2. The compensation judge's decision shall contain the following in the sequence as listed:

a. The date and location of the hearing and the compensation judge's name;

b. Appearances by parties, if pro se, or their attorneys, giving the full name and mailing address, including zip code, of each;

c. The date on which the record of the hearing closed;

d. A notice of the right of parties to appeal and how the appeal can be perfected;

e. ~~Findings of fact, conclusions and~~ A determination on each contested issue raised of fact or law. In cases involving a multiplicity of issues, the compensation judge may organize the decision by major subissues if the judge determines that organizing the decision in that manner will aid the reader in understanding the contents of it; and

f. A memorandum only if necessary to delineate the reasons for the decision or to discuss the credibility of witnesses.

C. [Unchanged.]

D. Proposed decision filed by party. Any party may file a proposed decision with the compensation judge ~~before the record is closed.~~ Any proposed decision submitted shall conform to the provisions of these rules, shall be served on all other parties and shall be in a form which would allow the compensation judge to sign and issue the decision if it is acceptable. It shall also include a brief memorandum ~~setting forth the issues and~~ explaining the decision on each issue.

E. Decision, extension of time. If the parties consent to extend the time for issuance of the decision, the written consent shall include a statement of the reasons for the extension, shall be filed with the compensation judge, and a copy filed with the chief hearing examiner. If the chief hearing examiner extends the time for issuance of the decision, the extension shall be in writing and shall be served on all parties of record.

9 MCAR § 2.320 Settlements.

A.-B. [Unchanged.]

C. Approval. Stipulations for settlement reached and agreed upon subsequent to the referral of the case to the chief hearing examiner shall be filed with and, except in cases where all parties are represented by attorneys or for those filed pursuant to ~~Minn. Stat. § Minnesota Statutes, section 176.081, subd. subdivision 7a,~~ subject to approval by ~~the~~ a compensation judge ~~assigned to hear the case or a calendar judge if the matter has not yet been assigned.~~

Where a settlement has been agreed upon pursuant to ~~Minn. Stat. § Minnesota Statutes, section 176.081, subd. subdivision~~ 7a, when the offer and acceptance is filed, it shall include findings of fact, conclusions and an award on all issues, including attorney's fees and costs. It shall be filed with the chief hearing examiner who shall immediately send the settlement and the file to the commissioner for entry of the agreed upon award. Where approval is not required pursuant to ~~Minn. Stat. § Minnesota Statutes, section 176.521~~, the award required by 9 MCAR § 2.320 G. shall be immediately signed by the compensation judge, served on all parties, and filed with the commissioner.

D. [Unchanged.]

E. Attorney's fees detailed. Stipulations for settlement of cases in which the petitioner ~~have~~ has engaged the services of an attorney shall be accompanied by a statement of ~~the amount of attorney's fees requested~~, on a form prescribed by the commissioner, and an itemization of the costs incurred, specifying who will be responsible for payment of each cost, and shall provide sufficient information to show the reasonableness of the requested fees and costs in accordance with ~~Minn. Stat. § Minnesota Statutes, section 176.081, if approval is required~~. If no fees are requested, the stipulation shall so state.

F. [Unchanged.]

G. Award. The parties involved in the settlement shall submit an award on stipulation prepared for signature by the applicable a judge and sufficient copies thereof for all parties to be served if the settlement is approved.

H.-J. [Unchanged.]

9 MCAR § 2.321 Attorney fees.

~~A. Notice of representation. Whenever an employer or insurer receives notice that an attorney is representing a petitioner, 25 percent of the compensation, not including medical expense, shall be withheld pending an order determining the reasonable value of any claim for legal services or disbursements pursuant to Minn. Stat. § 176.081. Written notice that the compensation is being withheld shall immediately be mailed to the petitioner, the attorney and the division at its Saint Paul office.~~

~~B. Filing of certain documents as application. In applicable cases, the filing of a claim petition or an objection to discontinuance of compensation shall constitute an application for the award of attorney fees against the employer and insurer pursuant to Minn. Stat. § 176.081, subd. 7.~~

~~C. Application. Application for determination and approval of any claim for legal services or disbursements may be filed by the employer or insurer, the petitioner or the attorney. Unless ordered otherwise by a compensation judge, an application for attorney fees shall be by written petition. Any application shall disclose the amount of compensation withheld, the total fees or disbursements previously paid to said attorney or his associates and, if filed by the attorney for the petitioner, the amount of any retainer fee paid. Applications filed by attorneys shall contain sufficient information to show the reasonableness of the requested fees in accordance with Minn. Stat. § 176.081, subd. 5.~~

~~A separate application is not necessary if filed as part of a stipulation for settlement.~~

A. Controlling statute. Fees for legal services are governed by the provision of Minnesota Statutes, section 176.081.

B. Statement of fees, approval. A statement of attorney's fees, on a form prescribed by the commissioner, and a copy of the retainer agreement shall be filed as part of the record in each case, whether the case is heard to a conclusion or settled by agreement of all parties. If, at the hearing of any case or in a stipulation for settlement, all parties state on the record or include in the stipulation that they have no objection to the statement of attorney's fees, the judge shall issue an appropriate order without the necessity of waiting for the expiration of ten calendar days.

C. Fees, objection. If a timely objection to the statement of attorney's fees is filed, the compensation judge shall utilize Minnesota Statutes, section 176.081, subdivision 5, only as to those issues specifically raised by the objection.

~~D. Filing. Applications~~ A statement of attorney's fees under this rule shall be filed with the compensation judge assigned to hear the case or a calendar judge if no assignment has been made.

E. [Unchanged.]

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PROPOSED RULES

Department of Energy, Planning and Development Energy Division

Proposed Amendments to the State Building Code (2 MCAR §§ 1.16001-1.16008)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Energy, Planning and Development proposes to amend the above-entitled rules without a public hearing. The Energy Division has determined that the proposed amendments to rules 2 MCAR §§ 1.16001-1.16008 will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982).

Persons interested in these rules shall have thirty 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 Department 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 thirty-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. §§ 14.14-14.15 (1982).

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

Bruce D. Nelson
Department of Energy, Planning and Development
Energy Division
980 American Center Building
St. Paul, Minnesota 55101
612/296-8279

Authority for the adoption of these rules is contained in Minnesota Statutes 116J.19, subd. 8. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Bruce D. Nelson upon request.

Any person who desires to be advised of the submission of this material to the Attorney General for approval may make this request in writing to Bruce D. Nelson.

If approved by the Attorney General, these rules will become effective October 17, 1983, in order to allow time for users of the rules to become familiar with the changes.

Joseph E. Sizer
Acting Commissioner, DEPD

Rules as Proposed (all new material)

2 MCAR § 1.16007 Authority; purpose; definitions.

A. Authority; scope. Rules 2 MCAR §§ 1.16007-1.16008 are adopted pursuant to Minnesota Statutes, section 116J.19, subdivision 8 and constitute amendments to the State Building Code. In cases of conflict with the State Building Code, 2 MCAR §§ 1.16007-1.16008 govern in all cases not affecting safety and health requirements.

Additionally, 2 MCAR §§ 1.16007-1.16008 are intended to serve as standards for existing buildings owned by the state, the University of Minnesota, cities, counties, and school districts as specified in Minnesota Statutes, section 116J.20.

B. Definitions. As used in 2 MCAR §§ 1.16007-1.16008, "State Building Code" means 2 MCAR §§ 1.10101-1.18901 and rules SBC 7101-8505, and "this code" or "the code" means the Model Energy Code incorporated by reference in 2 MCAR § 1.16008 A.

2 MCAR § 1.16008 Adoption of the Model Energy Code with amendments.

A. Incorporation by reference. The Model Energy Code, 1983 Edition, as published by the Council of American Building Officials (Falls Church, Virginia), is incorporated by reference and made a part of the State Building Code, subject to the amendments in B.-PP.

B. Amendment to 101.3. On page 1 of the code, 101.3 is amended to read:

101.3 Scope.

This code sets forth minimum requirements for the design and evaluation of new buildings, additions, and remodeled elements of buildings and standards for certain existing public buildings by regulating their exterior envelopes and the selection

of their HVAC, service water heating, electrical distribution, and illuminating systems and equipment for effective use of energy. Buildings which must comply with this code are the same as those which must comply with the State Building Code.

Buildings must be designed to comply with the requirements of chapter 4, 5, or 6 of this code.

C. Amendment to 101.3.2. On page 2 of the code, 101.3.2. is amended by adding a paragraph to read:

101.3.2.4 Remodeled elements of buildings. The requirements of 2 MCAR § 1.10111 apply in determining how remodeled elements of buildings are required to comply with this code.

D. Amendment to 105.1. On page 3 of the code, 105.1 is amended to read:

105.1 General.

Construction of work for which a permit is required is subject to inspection by the building official. Inspections shall be as required by 2 MCAR § 1.10111.

E. Amendment to section 201. On page 4 of the code, section 201 is amended by adding a new definition to read:

BUILDING. "Building" means a new building at the time of application for a building permit, an addition or remodeled element of a building, a moved building, and an existing building heated by oil, gas, or electric units which is owned by the state, the University of Minnesota, a city, a county, or a school district.

F. Amendment to section 201. On page 5 of the code, section 201 is amended by adding a new definition to read:

COMMERCIAL PARKING FACILITY. Any enclosed parking facility except one which is appurtenant to or a part of a residential building, whether the individual dwelling units are rented or owned by the occupants, and which is used primarily by the occupants and their guests.

G. Amendment to section 201. On page 6 of the code, section 201 the definition of "Heated Space" is amended to read:

HEATED SPACE. Space within a building which is provided with a positive heat supply to maintain air temperature of 50 degrees Fahrenheit (10 degrees Celsius) or higher. This definition is not to be construed to require the insulation of floor assemblies above basements or crawl spaces in Type R buildings.

H. Amendment to section 201. On page 7 of the code, section 201 the definition of "Nondepletable Energy Sources" is amended to read:

RENEWABLE ENERGY SOURCES. Sources of energy which are replaced within a matter of days, months, or years (but no more than 50 years) by new or additional supplies of the energy source. Renewable energy sources include forestry products and forest harvest residues, agricultural wastes, solar radiation, including natural daylighting, phenomena resulting from solar radiation and celestial movements, including wind, waves, tides, and lake or pond thermal differences, and nocturnal thermal exchanges.

All references to "Nondepletable Energy Sources" in this code mean "Renewable Energy Sources."

I. Amendment to section 201. On page 10 of the code, section 201 is amended by adding a new definition to read:

VAPOR BARRIER. A material resistant to air and water vapor passage with a maximum perm rating of 0.1 grain per hour per ft² per inch Hg pressure differential.

J. Amendment to 302.1. On page 12 of the code, footnote 1 to 302.1 is amended to read:

¹The outdoor design temperature shall be selected from the columns of 99 percent values for winter and one percent values for summer from tables in Standard RS-1. Degree days heating shall be selected from Standard RS-22. Adjustments may be made to reflect local climates which differ from the tabulated temperatures or local weather experience as determined by the building official.

K. Amendment to 303.1. On page 13 of the code, 303.1 is amended to read:

303.1 Ventilation

Ventilation air must conform to Standard RS-3.

EXCEPTION: If outdoor air quantities other than those specified in Standard RS-3 are used or required because of special

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occupancy or process requirements, source control of air contamination, health and safety, or other standards, the required outdoor air quantities shall be used as the basis for calculating the heating and cooling design loads.

L. Amendment to 502.2.1.4. On page 19 of the code, 502.2.1.4 is amended to read:

502.2.1.4 Slab-on-grade floors. For slab-on-grade floors, the thermal resistance of the insulation around the perimeter of the floor must be not less than the value given in Table No. 5-1. The insulation must extend downward from the top of the slab to the design frost line or downward to the bottom of the slab then horizontally beneath the slab for an equivalent distance, and must be an approved type.

M. Amendment to 502.2.1. On page 19 of the code, 502.2.1. is amended by adding a paragraph to read:

502.2.1.6 Foundation walls. If floors are not insulated as required in Section 502, basement or crawl space walls must be insulated. Either the thermal resistance (R) of the insulation on the entire wall must be not less than R-5, or the thermal resistance (R) of the insulation on the wall must be not less than R-10 down to the design frost line.

Note: Foundation walls insulated as required in this section should be designed to prevent damage due to frost action.

N. Amendment to 502.2.1. On page 19 of the code, 502.2.1 is amended by adding a paragraph to read:

502.2.1.7 Vapor barriers. The design of buildings for energy conservation may not create conditions of accelerated deterioration from moisture condensation. A vapor barrier must be installed between the interior surface and the winter design condition dew point location within each building envelope surface. The vapor barrier must be continuous with all joints overlapped and made over framing members or blocking. The vapor barrier must be continuous and uninterrupted by framing at dropped ceiling areas of bath and kitchen soffits. Rips and punctures in the vapor barrier must be patched with vapor barrier materials and sealed.

EXCEPTION: The vapor barrier at the rim joist need not be continuous.

Note: An air-vapor barrier may create conditions of low natural infiltration. Installation of a heat recovery ventilation system should be considered to avoid excessive humidity and other air contaminants.

O. Amendment to 502.3.1.4. On page 19 of the code, 502.3.1.4 is amended to read:

502.3.1.4 Slab-on-grade floors. For slab-on-grade floors, the thermal resistance of the insulation around the perimeter of the floor may not be less than the value given in Table No. 5-2. The insulation must extend downward from the top of the slab to the design frost line or downward to the bottom of the slab then horizontally beneath the slab for an equivalent distance, and must be of an approved type.

P. Amendment to Table No. 5-1. On page 20 of the code, Table No. 5-1 is amended to read:

TABLE NO. 5-1

Element	Mode	Type A-1	Type A-2
		Buildings	Buildings
		U_o	U_o^1
Walls	Heating or cooling	0.11	
Roof/ceiling	Heating or cooling	0.026	
Floors over unheated spaces	Heating or cooling	0.05	
Heated slab on grade	Heating	R Value ¹	R Value ¹
Unheated slab on grade	Heating	R Value ¹	R Value ¹

¹ Values shall be determined by using the graphs (Figures Nos. 1, 2, 3, and 6) contained in Chapter 7 (based on Standard RS-9) using heating degree days as specified in Section 302.

Q. Amendment to 503.1. On page 24 of the code, 503.1 is amended by adding a paragraph to read:

503.1.1 Heated parking garages. An enclosed structure or portion of an enclosed structure constructed after January 1, 1978, and used primarily as a commercial parking facility for three or more motor vehicles may not be heated. Incidental heating resulting from building exhaust air passing through a parking facility is not prohibited if substantially all useful heat has previously been removed from the air.

R. Amendment to 503.2. On page 24 of the code, 503.2 is amended by adding a paragraph to read:

503.2.3 System design heating and cooling capacity. The rated capacity of the heating and cooling system at design conditions may not be greater than 115 percent for heating, 100 percent for cooling at design output load calculated in accordance with 503.2, whenever appropriate equipment is available.

EXCEPTIONS:

1. Equipment designed for standby purposes.
2. Cooling capacity of heat pumps.
3. Systems designed for pick-up after automatic temperature set-back when a registered professional engineer shows that the extra system design heating and cooling capacity is needed for pick-up.

S. Amendment to Table No. 5-4. On page 26 of the code, Table No. 5-4 is amended to read:

TABLE NO. 5-4—MINIMUM COP FOR HEAT PUMPS, HEATING MODE¹

SOURCE AND OUTDOOR TEMPERATURE (F)	MINIMUM COP
Air Source—47DB/43WB	2.7
Air Source—17DB/15WB	1.8
Water Source—60 Entering	3.0

¹When tested at the standard rating specified in Table 5-10A.

T. Amendment to Table No. 5-5. On page 28 of the code, Table No. 5-5 is amended to read:

**TABLE NO. 5-5
HVAC SYSTEM HEATING EQUIPMENT—
GAS- AND OIL-FIRED
MINIMUM STEADY STATE COMBUSTION EFFICIENCY**

FURNACES OF CAPACITIES OF 225,000 BTU/H AND LESS BOILERS OF CAPACITIES OF 300,000 BTU/H AND LESS	ALL OTHER COMMERCIAL/ INDUSTRIAL FURNACES AND BOILERS	
	Types of equipment	Percent ¹
Forced-air furnaces and low-pressure steam or hot-water boilers	74	80
Gravity central furnaces	69	—
All other vented heating equipment	69	—

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input. Stack losses are:

- Loss due to sensible heat in dry flue gas.
- Loss due to incomplete combustion.
- Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

U. Amendment to Table No. 5-6. On page 28 of the code, Table No. 5-6 is amended to read:

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TABLE NO. 5-6—MINIMUM EER AND COP FOR ELECTRICALLY
DRIVEN HVAC-SYSTEM EQUIPMENT—COOLING^{1,2}

STANDARD RATING CAPACITY	Air-cooled		Evaporator or Water cooled	
	EER	COP	EER	COP
Under 65,000 Btu/h (19,050 watts)	7.8	2.28	8.8	2.58
65,000 Btu/h (19,050 watts) and over	8.2 ³	2.40 ³	9.2	2.69

¹When tested at the standard rating conditions specified in Table No. 5-10B.

²The Department of Energy has established required test procedures for single-phase air-cooled residential central air conditioners under 19 kW (65,000 Btu/h) in capacity, which have been incorporated into ARI Standard 210-79. EER and COP values in Table No. 5-6 are based on Test A of the DOE Test Procedures.

³Applies when return-air fans are not included under the manufacturer's model No. When return-air fans are included, the required minimum values are 2.34 (8.0).

V. Amendment to Table No. 5-7. On page 29 of the code, Table No. 5-7 is amended to read:

TABLE NO. 5-7—MINIMUM EER AND COP FOR ELECTRICALLY
DRIVEN HVAC-SYSTEM COMPONENTS¹

COMPONENT	TYPE OF COMPRESSOR	CONDENSING MEANS					
		AIR		WATER		EVAPORATIVE	
		EER	COP	EER	COP	EER	COP
Self-contained water chillers	Centrifugal	8.00	2.34	13.80	4.04		
	Positive displacement	8.40	2.46	12.00	3.51		
Condenserless water chillers	Positive displacement	9.90	2.9	12.00	3.51		
Compressor and condenser units 65,000 Btu/h (19,050 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66	12.50	3.66
Water Source Hydronic	Size	under 19 kW (65,000 Btu/h)		19 kW (65,000 Btu/h) and over			
		EER	COP	EER	COP		
Heat Pump	Centrifugal	9.0	2.64	9.4	2.75		

¹When tested at the standard rating conditions specified in Table No. 5-10C.

²Ratings in accordance with Standard RS-14 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

W. Amendment to 503.10.2. On page 33 of the code, 503.10.2 is amended to read:

503.10.2. For low-pressure supply and return air ducts located outside of the conditioned space, all transverse joints must be sealed using mastic, tape, or mastic plus tape. For fibrous glass ductwork, pressure-sensitive tape may be used.

X. Amendment to 504.5.2. On page 38 of the code, 504.5.2 is amended to read:

504.5.2 Pool covers. Heated outdoor swimming pools must be equipped with pool covers.

Y. Deletion of 504.5.3. On page 38 of the code, 504.5.3. is deleted.

Z. Amendment to 504.7. On page 38 of the code, 504.7 is amended by deleting the exception.

AA. Deletion of 504.8.2.2. On page 39 of the code, 504.8.2.2 is deleted.

BB. Amendment of 505.2. On page 39 of the code, 505.2 is amended to read:

505.2 Electric energy determination.

In any multi-tenant residential building, provisions shall be made to separately determine the energy consumed by each tenant. Electrical service to individual dwelling units in buildings containing two or more units shall be separately metered, with individual metering readily accessible to the individual occupants.

EXCEPTION: Motels, hotels, college dormitories, other transient facilities, and buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities.

CC. Amendment to 602.2. On page 44 of the code, 602.2 is amended to read:

602.2 Criteria—Heating and Cooling.

For type A-1 buildings, criteria for ceiling, wall, and floor sections listed in Table No. 6-11 may be used in lieu of the criteria specified in sections 602.2.1, 602.2.2, and 602.2.3. Appropriate U_0 values may be determined by using Appendix Table No. 6-1, 6-2, or 6-3 and Chart 6-A or 6-B.

DD. Amendment to 602.2.4. On page 44 of the code, 602.2.4 is amended to read:

602.2.4 Slab-on-grade floors. For slab-on-grade floors, thermal resistance (R) of the insulation around the perimeter of the floor must be at least the value given in Table No. 5-1 or 5-2 as appropriate for the building type.

The insulation shall extend downward from the top of the slab to the design frost line or downward to the bottom of the slab then horizontally beneath the slab for an equivalent distance.

EE. Amendment to 602.2. On page 45 of the code, 602.2 is amended by adding a paragraph to read:

602.2.6 Foundation walls. If floors of Group R buildings are not insulated as required in Section 602.2, basement or crawl space walls must be insulated as required in Section 502.2.1.7.

FF. Amendment to 602.2. On page 45 of the code, 602.2 is amended by adding a paragraph to read:

602.2.7 Vapor barriers. A vapor barrier must be installed in all Group R buildings as required in Section 502.2.1.7.

GG. Addition of Table No. 6-11. On page 50 of the code, insert Table No. 6-11 to read as follows:

TABLE NO. 6-11
Minimum R Value for Ceiling, Wall, and Floor Sections of
Type A-1 Buildings

<u>Ceilings</u>	<u>Walls</u>	<u>Floors</u>	<u>Windows</u>	<u>Sliding Glass Doors</u>	<u>Doors</u>
(1)	(2)	(3)	(4)	(5)	See Note 6
38	20	20	2.00	1.45	°

Notes to Table 6-11:

(1) Ceilings which meet one of the following criteria satisfy this requirement:

A. R-38 throughout the entire ceiling.

B. If a portion of the ceiling is less than R-38, the insulation in the remainder of the ceiling must be increased to yield an overall average thermal resistance of not less than R-38 using the following equation.

$$R_r = (A_o - A_1) / (A_o/38 - A_1/R_1)$$

where:

R_r = R value of the insulation in the remainder of the ceiling.

A_o = total area of the ceiling, ft².

A_1 = area of the ceiling with less than R-38.

R_1 = R value of the ceiling which is less than R-38.

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C. Where the roof at the perimeter of the ceiling prevents installation of insulation to full depth, the insulation in the remainder of the ceiling must be increased to reduce the overall ceiling heat loss to no more than if R-38 had been installed throughout the entire ceiling.

(2) For the insulated cavity of opaque wall and rim joists, but not foundation walls.

(3) For the insulated cavity of floors of heated spaces over unheated spaces.

(4) Maximum glass area may not exceed 12 percent of the gross area of exterior walls when the average R value of all glass is not less than the value listed.

(5) Maximum glass area may not exceed ten percent of the gross area of exterior walls when a sliding glass door is installed with a minimum R value as listed, and all other glass is not less than the R value listed under windows.

(6) A 1¼ inch metal faced door system with an insulated core and durable weatherstripping providing a R value equal or greater than three or a conventional door and storm door.

HH. Amendment to 604.1.2.3. On page 49 of the code, 604.1.2.3 is amended to read:

604.1.2.3 Swimming pools.

Pool heaters must be equipped with an ON-OFF switch mounted for easy access to allow shutting off the operation of the heater without adjusting the thermostat setting and to allow restarting without relighting the pilot light.

Active solar heating systems should be used to supply a portion of the pool heating requirements when conditions permit their cost-effective installation.

Heated outdoor swimming pools must be equipped with a pool cover.

II. Amendment to 604.3. On page 49 of the code, 604.3 is amended by deleting the exception.

JJ. Amendment to 701.1. On page 54 of the code, 701.1, Code Standard No. RS-3, is amended to read:

RS-3 ASHRAE Standard 62-1981 Ventilation for Acceptable Indoor Air Quality.

KK. Amendment to 701.1. On page 54 of the code, 701.1, Code Standard No. RS-4, is amended to read:

RS-4 ASHRAE Standard 55-1981 Thermal Environment Conditions for Human Occupancy.

LL. Amendment to 701.1. On page 54 of the code, 701.1, Code Standard No. RS-8, is amended to read:

RS-8 IES Lighting Handbook, 1981 Application Volume and 1981 Reference Volume, Illuminating Engineering Society.

MM. Amendment to 701.1. On page 55 of the code, 701.1 is amended by adding a Code Standard No. RS-22 to read:

RS-22 Monthly Normals of Temperature, Precipitation, and Heating and Cooling Degree Days 1951-80 Minnesota. National Oceanic and Atmospheric Administration September, 1982.

NN. Amendment to list of accredited authoritative agencies. On page 56 of the code, the references to ASHRAE and NWMA are amended to read:

ASHRAE refers to the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 1791 Tellie Circle N.E., Atlanta, GA 30329.

NWMA refers to the National Woodwork Manufacturers Association, Inc., 205 W. Touhy Ave., Park Ridge, IL 60068.

OO. Amendment to Figure No. 1. On page 57 of the code, Figure No. 1 is amended by deleting the line marked A1 and by amending the title to read:

“U₀ WALLS—TYPE A₂ BUILDINGS—HEATING”

PP. Amendment to Figure No. 2. On page 58 of the code, Figure No. 2 is amended by amending the title to read:

“ROOF/CEILINGS TYPE A₂ BUILDINGS”

Repealer. Rules 2 MCAR §§ 1.16001, 1.16002, 1.16003, 1.16004, 1.16005, and 1.16006 are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce Insurance Division

Adopted Rules Governing Workers' Compensation Insurance Rates

The rules proposed and published at *State Register*, Volume 7, Number 16, Pages 582-586, October 18, 1982 (7 S.R. 582) are adopted with the following modifications:

Rules as Adopted

4 MCAR § 1.9140 Definitions.

A. Applicability. For the purposes of 4 MCAR §§ 1.9140-1.9143, the terms defined in this rule have the meanings given them.

B. Rating Association. "Rating Association" means the Workers' Compensation ~~Insurance~~ Insurers Rating Association of Minnesota.

C. Commissioner. "Commissioner" means the commissioner of insurance.

D. Data service organization; organization. "Data service organization" or "organization" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 3.

E. Classification plan; classification. "Classification plan" or "classification" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 4.

F. Rates. "Rates" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 5.

G. Insurer. "Insurer" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 13.

H. Pure premium rate. "Pure premium rate" means that portion of a rate designated for claim payments.

I. Pure premium. "Pure premium" means that portion of a premium, as defined in Minnesota Statutes, section 79.52, subdivision 7, designated for claim payments.

J. Pure premium relativities. "Pure premium relativities" means the mathematical relationship of pure premium rates for each reporting classification one to another, to a base class or classes, or to some common index or indices.

K. Pure premium base rate schedule. A "pure premium base rate schedule" is a set of pure premium rates with no

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adjustments for trend and with only partial loss development reflecting some additional development but not developed to the ultimate expected loss level.

4 MCAR § 1.9141 Licensing of data service organizations.

A. Application information. A data service organization shall apply to the commissioner for a license. The ~~Workers' Compensation Insurance~~ rating association shall submit an application to be licensed as a data service organization by ~~January~~ July 1, 1983. An application to be a data service organization shall include all information required by Minnesota Statutes, section 79.62. In addition, the application shall include:

1. the organization's plan of operation including:
 - a. ~~the establishment of necessary facilities~~ a description of the applicant's operating premises and computer capabilities;
 - b. a description of the management and operation of the organization, including a description of major staff positions and necessary qualifications for the positions;
 - c. ~~the operating rules of the organization;~~
 - ~~d.~~ a list of members and their responsibilities; and
 - d. a procedure by which insureds and any other interested party may challenge the action of the data service organization; and
2. a plan for data collection and analysis, and other activities of the data service organization, including:
 - a. a statistical plan for the collection and reporting of exposure base and ~~of~~ loss data ~~from~~ of individual insureds ~~of from~~ each member;
 - b. a system for the classification of risks to be used for reporting by member insurers, ~~in~~ and for calculating pure premium relativities, and ~~for all other relevant~~ rate-related or data analytic activities it proposes to undertake;
 - c. manual rules reasonably related to the recording and reporting of data pursuant to the statistical plan and the classification system;
 - d. data reporting requirements for members and monitoring procedures. ~~Expense A~~ data shall not be reported service organization may not collect or report expense or profit data from its members but may collect loss adjustment costs. Premium data may be reported to the extent needed to monitor the quality and integrity of the data bases. Following the approval of a pure premium base rate schedule, the data service organization may require premium data to be reported at that level, provided that reporting need not be required of companies writing a small volume of Minnesota workers' compensation premiums. The criteria for being excused from reporting will be determined by the data service organization ~~subject to the commissioner's approval;~~
 - ~~e.~~ e. a plan for the collection of any other data not prohibited in c. and a description of these data;
 - ~~e.~~ f. a plan for and description of the ratemaking report required by Minnesota Statutes, section 79.61;
 - ~~f.~~ g. plans for disseminating information to members of the organization and to the commissioner;
 - ~~g.~~ h. plans for audit procedures to ensure that data reporting requirements are met by organization members; ~~and~~
 - ~~h.~~ i. a plan for compiling expense data reported to the commissioner for development of advisory rates, rating plan values, and discount factors; ~~and~~
 - j. a description of any changes from the uniform statistical plan, classification system, and related rules which are in effect at the time the application is made.

B. Manuals. There are five manuals currently filed by the rating association and in force in Minnesota. The rating association must file similar manuals as part of their application to become a data service organization. The application must include a list of any changes in the current manuals.

1. The commissioner shall approve a uniform classification system and a uniform statistical plan and manual rules related to the classification system and the statistical plan.

2. The commissioner shall disapprove changes in the manuals which would substantially lessen competition or which would lead to premiums which are unfairly discriminatory.

3. Every workers' compensation insurer shall report its data in accordance with the Classification Code Manual, and the Unit Statistical Plan Manual, and the related rules in the Basic Manual. In the current Basic Manual these rules consist of the following:

a. in Part One, Rules I, II, III, IV, V, VIII (A.1, A.2a, A.2.b.1, A.2.c-e, B.1, B.2, B.6, C.1, C.2, C4), IX, XI (A, B), XII, XIII, XIV (A-D), XV (A and C);

b. all of Part Two on classifications; and

c. in part three, pages 9-17 on classifications; pages 18-19, Special Rules (IV, V, IX); and pages 20-23.

4. Insurers may use the premium factors, the experience rating plan, or the retrospective rating plans developed by the rating association. They may also develop and use their own factors and plans. In the current Basic Manual, the rules which insurers will not be required to use consist of the following:

a. in Part One, Rules VI, VII, VIII (A.2.b.2-4, B.3-5, C.3) X, XI (C-H), XIV (E-G), XV (B); and

b. in Part Three, pages 1-8; pages 18-19, Special Rules VI and VII; and Appendix B.

C. Granting of license.

1. The commissioner shall issue a license if the commissioner finds that:

a. the applicant meets the requirements of Minnesota Statutes, section 79.62 and 4 MCAR § 1.9141 A.;

b. the applicant demonstrates staff competence and technical qualifications necessary to provide the services proposed;

c. the applicant's premises and computer capabilities are sufficient to provide the services proposed; and

d. the applicant's plan for data collection and analysis will result in a reliable, credible data base.

2. The commissioner shall issue a notice of the acceptance or rejection of the application for licensure as a data service organization within 90 days of receipt of a complete application.

~~B. Progress reports. Data service organizations shall submit semiannual progress reports to the commissioner on the implementation of their organizational plan. The report shall include progress made on satisfying the requirements of Minnesota Statutes, sections 79.61 and 79.62 and requirements of 4 MCAR §§ 1.9140-1.9143. The reports must be submitted semiannually between the time of application and January 1, 1986.~~

~~4 MCAR § 1.9142 Rate petitions and hearings.~~

~~A. Manual rates; creation and adjustment.~~

~~1. A petition for modification of the schedule of rates shall be filed by the rating association by January 1, 1983, for the purpose of producing a schedule of manual rates by classification. This petition shall be considered in a hearing conducted pursuant to Minnesota Statutes, section 79.071.~~

~~2. After approval of a schedule of manual rates by the commissioner, insurers may modify the rates by adjustment of the pure premium rates and expense allowances within a range allowing for downward deviations that are unlimited and upward deviations of at most 15 percent of the approved rate.~~

~~3. Insurers may adjust premiums by the application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.~~

~~4. All data and calculations used to develop actual premiums from the manual rates approved by the commissioner shall be clearly documented.~~

~~5. An insurer's rates and rating plans, along with clearly documented justification, shall be filed with the commissioner 30 days prior to use.~~

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B. Pure premiums; creation and modification.

1. A petition for modification of the schedule of rates shall be filed by the rating association by January 1, 1984, for the purpose of producing a schedule of pure premium rates. These rates must not contain trend adjustments. A hearing conducted pursuant to Minnesota Statutes, section 79.071 must be held on the petition.

2. The petition must contain an analysis of trended data as specified in 4 MCAR § 1.9143 B.1.g. The analysis shall be disseminated to all members of the rating association when filed.

3. Following approval of a schedule of pure premium rates, insurers may calculate final rates by:

a. the modification of pure premium rates allowing for downward deviations that are unlimited and upward deviations of at most 15 percent from the pure premium rates approved by the commissioner;

b. application of trend factors based on the analysis provided by the rating association or on their own interpretations of underlying data; or

c. adjustments to reflect the insurer's expected expense requirements. Neither the rating association nor any data service organization shall publish recommended expected expense allowances.

4. Insurers may adjust premiums by the application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.

5. All data and calculations used by an insurer to develop actual premiums from the pure premium rates shall be clearly documented.

6. An insurer's rates and rating plans, along with clearly documented justification, shall be filed with the commissioner 30 days prior to use.

C. Other rate petitions, hearings. The rating association or other data service organizations may make other filings. All petitions proposing rates, pure premium rates, or pure premium relativities for an effective period prior to January 1, 1986, shall be considered in hearings conducted pursuant to Minnesota Statutes, section 79.071.

4 MCAR § 1.9143 Ratemaking report.

A. Data service organizations.

1. Beginning in 1984, licensed data service organizations shall make yearly ratemaking reports to the commissioner. Insurers may not make reference to a report in their filings until it has been filed with the commissioner.

2. In 1985 1983 licensed data service organizations must prepare a their first ratemaking report in a form prescribed by the commissioner. The outline of the report should be submitted to the commissioner for comment by January 1, 1985 September 1, 1983. A draft of the report should be submitted to the commissioner for comment by July 1, 1985 November 1, 1983. The final ratemaking report must be submitted no later than January 1, 1986 1984.

3. After 1985 1984, licensed data service organizations must submit an outline of their annual ratemaking report to the commissioner for comment by July 1 of each year. A draft of the report should be submitted to the commissioner for comment by October 1. The final ratemaking report must be submitted no later than January 1 of the succeeding year. Interim reports on the effect of changes in the law on rates may be submitted at any time during a year.

B. Contents of ratemaking report.

1. A ratemaking report shall meet all requirements of Minnesota ~~law~~ Statutes, section 79.61, subdivision 1, clause (c) and, in addition, may contain information useful to data service organization members regarding factors pertinent to Minnesota workers' compensation business such as legislative concerns, Workers' Compensation Reinsurance Association operations, loss control programs, and programs developed by insurers that may be of interest and applicability to workers' compensation insurers. A ratemaking report shall include:

a. a compilation of financial data collected under Minnesota Statutes, section 79.61 without adjustments for either premium or loss development or trend. Financial data must be reconcilable to that reported by insureds in their annual financial statements to the commissioner;

b. a compilation of reporting classification data collected under Minnesota Statutes, section 79.61 without adjustments for either premium development or loss development or premium trend or loss trend;

c. a calculation of factors to adjust reported loss data to a common development level. The development level is subject to approval by the commissioner;

d. a calculation of factors to reflect any benefit level changes mandated by statute or by the courts;

e. the development of a schedule of pure premium base rates using the data reported by insurers and the factors calculated in c.;

f. a schedule of pure premium relativities, based on the pure premium base rate schedule;

g. an analysis and calculation of factors to adjust reported premium and loss data to an expected ultimate level. The analysis shall be in detail so as to permit insurers to select and modify the factors based on their own interpretations of underlying data;

h. an analysis and calculation of trended data to reflect future conditions through the use of factors or some other method. The analysis shall be in detail so as to permit insurers to select and modify the factors or utilize other trending methods based on their own interpretations of underlying data;

i. a calculation of any other quantitative factor or modifications and a description of any subjective considerations reflected in the determination of pure premiums in a manner so as to permit insurers to evaluate and modify the factors and considerations based on their own interpretations of underlying data; and

j. a calculation of any other quantitative factors required to maintain advisory discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and advisory merit rating plans as defined in Minnesota Statutes, section 79.52, subdivision 9.

2. The ratemaking report shall be disseminated to all members of the data service organization.

C. Use of ratemaking report.

1. After the ratemaking report has been filed with the commissioner, insurers may develop and use rates based upon the pure premium base rates contained in the report. Effective January 1, ~~1986~~ 1984, insurers may also develop and use rates based upon any reasonable factors.

2. If an insurer uses the pure premium base rates contained in the ratemaking report, then the insurer may calculate rates by:

a. application of trend factors based on the analysis provided by the data service organizations or on the insurer's own interpretations of underlying data;

b. application of loss development factors reflecting expected development beyond that in the pure premium base rate schedule to the ultimate loss level;

c. application of a factor to reflect the insurer's expected expense requirements. ~~No data service organization shall publish recommended expected expense allowances;~~

d. application of any other factor based on the analysis provided by the data service organization or on the insurer's own interpretation of underlying data.

3. Insurers may adjust premiums by application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.

4. An insurer shall not refuse to write insurance for an employer solely because:

a. the employer was denied coverage by another insurer, whether by cancellation or nonrenewal or refusal to offer coverage; or

b. the employer was insured through the Assigned Risk Plan.

5. All data and calculations used to calculate rates from the pure premium base rate schedule shall be clearly documented.

~~5. Prior to January 1, 1986, an insurer's rates and rating plans, along with clearly documented justification, must be filed with the commissioner 30 days prior to use.~~

~~Repealer: Rule 4 MCAR § 1.9142 is repealed effective January 1, 1986.~~

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State Board of Education Department of Education Special Services Division

Adopted Rules Governing Fee for Issuance and Renewal of Licenses

The State Board of Education has adopted the following rules in accordance with Laws of 1981, chapter 359, section 2, subdivision 4.

Rules as Adopted

5 MCAR § 1.0523 Issuance and renewal of licenses.

A.-D. [Unchanged.]

E. Each application for the issuance and/or renewal of a license shall be accompanied by a processing fee in the amount of ~~\$35.00~~ \$40 effective July 1, 1983. 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.-K. [Unchanged.]

5 MCAR § 1.0559 ~~The~~ Issuance and renewal of licenses.

A.-B. [Unchanged.]

C. Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of ~~twenty dollars (\$20.00)~~ \$40 effective July 1, 1983.

Department of Health Health Systems Division

Adopted Rules Relating to the Keeping of Pet Animals in Health Care Facilities; Implementing the Provisions of the Vulnerable Adult Abuse Reporting Act in Facilities Licensed or Certified by the Department of Health; the Operation and Licensing of Nursing Homes and Boarding Care Homes; the Dual Option Provisions of the Health Maintenance Organization Rules; and the Issuance of Fines to Supervised Living Facilities

Rules as Adopted

The rules proposed and published at *State Register*, Volume 7, Number 13, pages 407-421, September 27, 1982 (7 S.R. 407) are adopted with the following modifications:

7 MCAR § 1.042 Pet animals in health care facilities.

B. Written policy.

1. Every health care facility shall establish a written policy specifying whether or not pet animals ~~can be kept~~ will be allowed on the facility's premises.

2. If pet animals are allowed ~~to be kept~~ on the premises, the policy must:

a. specify whether or not individual patients or residents will be permitted to keep pets; ~~and~~

b. ~~specify the restrictions established by the health care facility regarding the keeping of pet animals.~~

3. This policy must be developed only after consultation with facility staff and with patients or residents, as appropriate.

C. Conditions. If pet animals other than fish are allowed ~~to be kept within the facility on the premises~~, the following requirements must be met:

1. ~~A Written policy~~ policies and procedures must be developed and implemented which specifies specify the types of conditions for allowing pet animals that are allowed to be kept within the health care facility on the premises.

2. ~~The policy required by 1. shall be developed in consultation with a veterinarian and a physician to assure that pets which, in their opinion, present a higher risk of transmitting diseases to human beings are not allowed to be kept within the facility. policies and procedures must:~~

a. ~~describe the types of pet animals allowed on the facility's premises. This policy must be developed in consultation with a veterinarian and a physician.~~

b. ~~describe the procedures for maintaining and monitoring the health and behavior of animals kept on the facility's premises. These procedures must be in accordance with a veterinarian's recommendations. A copy of these recommendations must be maintained in the facility; and~~

c. ~~identify those areas in the facility, in addition to those areas described in 6., where pet animals shall not be permitted.~~

3. ~~All pet animals must be in good health~~ Regardless of the ownership of any pet, the health care facility shall assume overall responsibility for any pets within or on the premises of the facility.

4. The health care facility shall ensure that ~~pets are examined and receive any necessary immunizations or treatments in accordance with a veterinarian's recommendations~~ no pet jeopardizes the health, safety, comfort, treatment, or well-being of the patients, residents, or staff.

5. ~~A copy of the veterinarian's recommendations as well as records of all examinations, treatments, and immunizations shall be retained in the health care facility~~ A facility employee shall be designated, in writing, as being responsible for monitoring or providing the care to all pet animals and for ensuring the cleanliness and maintenance of facilities used to house pets. This rule does not preclude residents, patients, or other individuals from providing care to pet animals.

6. ~~Regardless of the ownership of any pet, the health care facility shall assume overall responsibility for any pets kept within or on the premises of the facility~~ Except for guide dogs accompanying a blind or deaf individual and except in supervised living facilities with a licensed bed capacity of 15 beds or less, pet animals shall not be permitted in kitchen areas, in medication storage and administration areas or in clean or sterile supply storage areas.

7. ~~The health care facility shall ensure that no pet creates a nuisance or otherwise jeopardizes the health, safety, comfort, treatment, or well-being of the patients, residents, or staff.~~

8. ~~A facility employee shall be designated as being responsible for the care of all pet animals and for ensuring the cleanliness and maintenance of cages, tanks, and other areas used to house pets.~~

9. ~~Except for guide dogs accompanying a blind or deaf individual, pets shall not be permitted in areas where food is prepared, served, or stored, in dishwashing areas, dish storage areas, in medication storage areas, in clean or sterile supply storage areas, in nurses' stations, or in any other areas where cleanliness and sanitary precautions are necessary to protect the health, comfort, safety, and well-being of patients or residents.~~

~~7 MCAR § 1.043 Preventing abuse and neglect of vulnerable adults in facilities licensed or certified by the Department of Health.~~

A. ~~Definition. As used in 7 MCAR § 1.043, "facility" has the meaning given it in Minnesota Statutes, section 626.557, subdivision 2, clause (a).~~

B. ~~General requirement. A facility shall comply with Minnesota Statutes, section 626.557.~~

C. ~~Facility abuse prevention plan.~~

1. ~~Every facility which admits vulnerable adults on an inpatient basis shall develop and implement a written plan to prevent abuse in the facility. The plan must be designed to identify and remedy conditions in the population, environment, and physical plant that make patients or residents susceptible to abuse.~~

2. ~~The plan must meet the following requirements:~~

a. ~~It must be developed by an interdisciplinary committee selected by the administrator of the facility.~~

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b. It must be based on a written assessment of the population, environment, and physical plant. The assessment must address areas such as the following: the inability of patients or residents to act for themselves because of physical, mental, or emotional impairments; the possibility that patients or residents will injure themselves or others because of their physical, mental, or emotional conditions; admission policies and continued stay policies; visitation policies and visitor restrictions; the qualifications and training of staff to meet identified patient and resident needs; the adequacy of programs or services provided in the facility; the orientation and ongoing educational programs offered to employees; patient's and resident's room assignments; the physical conditions of the facility such as lighting levels, furniture placement and decor, and the location and surrounding environs of the facility.

c. It must include a written plan to correct or alleviate the conditions identified by the assessment that make patients and residents susceptible to abuse.

d. Its plan to correct the identified conditions must specify the action to be taken and set a schedule for completing the corrections.

e. It must be reviewed at least annually by an interdisciplinary committee and revised if necessary. The data of each review must be recorded on the plan.

D. Individual abuse prevention plan.

1. Every facility which admits vulnerable adults on an inpatient basis shall set written policies and procedures governing the development of written individual abuse prevention plans in accordance with Minnesota Statutes, section 626.557, subdivision 14, clause (b).

2. The policies and procedures must meet the following requirements:

a. They must establish the mechanism for developing the individual abuse prevention plans.

b. They must require that an interdisciplinary team conduct for each patient or resident an initial individual assessment that addresses the individual's susceptibility to abuse and the measures to be taken to minimize the risk of abuse to that resident.

c. They must require that the plan is developed as part of the initial plan of care for the patient or resident.

d. They must require at least an annual review of the plan as long as the patient or resident stays in the facility.

e. They must require that the individual's plan be revised whenever necessary.

3. The development, review, and revision of the individual abuse plans may be part of a patient's and resident's care plan.

E. Internal reporting system.

1. The facility shall set up a mechanism to ensure that all suspected cases of abuse or neglect are reported to an individual mandated to report under Minnesota Statutes, section 626.557 and are promptly investigated by facility staff.

2. The facility shall designate the person responsible for reviewing and investigating all suspected cases of abuse or neglect. However, if the person responsible for the review and investigation is suspected of committing abuse or neglect, the facility shall authorize another to conduct the review and investigation.

3. The facility shall designate the person responsible for reporting all cases of abuse or neglect to the appropriate authority in accordance with Minnesota Statutes, section 626.557.

4. The facility shall keep written records of reviews and investigations of suspected cases of abuse or neglect. These records must include a summary of the findings, persons involved, persons interviewed or notified, conclusions, and actions taken. A copy of the completed record shall be forwarded to the Office of Health Facility Complaints of the Department of Health.

5. When a patient or resident is admitted, the facility shall explain its internal reporting mechanism to the individual or to the people legally responsible for the patient or resident. It shall also inform these people that anyone may report suspected cases of abuse and neglect directly to outside agencies.

F. Notification. The facility shall inform its staff of the mandatory reporting requirements and of the responsibilities imposed on the facility staff by Minnesota Statutes, section 626.557. It shall also inform its staff that anyone may report suspected cases of abuse or neglect directly to the appropriate outside agencies. An explanation of the facility's abuse prevention plan, individual abuse prevention plans, and internal reporting mechanism must be part of the facility's orientation and inservice training programs.

7 MCAR § 1.044 Definitions, general provisions, issuance of licenses.

Y. Procedures for licensing nursing homes.

2. Renewed licenses. An applicant for license renewal shall complete the license application form supplied by the department. Applications must be submitted at least 60 days before the expiration of the current license and must be accompanied by a license fee based upon the formula established in 7 MCAR § 1.701, Exhibit I. The department shall issue a renewed license if a nursing home continues to satisfy the requirements, standards, and conditions prescribed by Minnesota Statutes, sections 144A.01 to 144A.16 and 7 MCAR §§ 1.044-1.072.

If the licensee is a corporation, it shall submit any amendments to its articles of incorporation or bylaws along with the renewal application.

If the application specifies a different licensed capacity from that provided on the current license, the licensee shall follow the procedures relating to license amendments specified in 6. If the changes are not approved before the current license expires, the renewed license will be issued without reflecting the requested changes.

3. Transfer of interests; notice. A controlling person, as defined in Minnesota Statutes, section 144A.01, subdivision 4, who transfers ~~an~~ a beneficial interest in the nursing home shall notify the department, in writing, at least 14 days before the date of the transfer. The written notice must contain the name and address of the transferor, the name and address of the transferee, the nature and amount of the transferred interests, and the date of the transfer.

4. Transfer of interest; expiration of license. A transfer of a beneficial interest will result in the expiration of the nursing home's license under the following conditions:

a. if the transferred beneficial interest exceeds ten percent of the total beneficial interest in the licensee, in the structure in which the nursing home is located, or in the land upon which the nursing home is located, and if, as the result of the transfer, the transferee then possesses ~~an~~ a beneficial interest in excess of 50 percent of the total beneficial interest in the licensee, in the structure in which the nursing home is located, or in the land upon which the nursing home is located; or

b. if the transferred beneficial interest exceeds 50 percent of the total beneficial interest in the licensee, the structure in which the nursing home is located, or in the land upon which the nursing home is located.

Under either of these conditions, the nursing home license expires at the time of relicensure or 90 days after the date of the transfer or 90 days after the date when notice of transfer is received, whichever date is later. If the current license expires before the end of the 90-day period, the licensee shall apply for a renewed license in accordance with section 2. The department shall notify the licensee by certified mail at least 60 days before the license expires.

5. Transfer of interest; relicensure. A controlling person may apply for relicensure by submitting the license application form at least 45 days before the license expiration date. Application for relicensure must be accompanied by a license fee based upon the formula established in 7 MCAR § 1.701, Exhibit I. If the applicant for relicensure is a corporation, it shall submit a copy of its current articles of incorporation and bylaws with the license application. A foreign corporation shall also submit a copy of its certificate of authority to do business in Minnesota. The department shall relicensure the nursing home as of the date the commissioner determines that the prospective licensee complies with Minnesota Statutes, sections 144A.02 to 144A.16 and ~~1.12~~ 7 MCAR §§ 1.044-1.072, unless the applicant request a later time. The former licensee remains responsible for the operation of the nursing home until the nursing home is relicensed.

6. Amendment to the license. If the nursing home requests changes in its licensed capacity or in ~~the level of care provided~~ its license classification, it shall submit the request on the application for amendments to the license. This application must be submitted at least 30 days before the requested date of change and if an increase in the number of licensed beds is requested, accompanied by a fee based upon the formula established in 7 MCAR § 1.701, Exhibit I. The department shall amend the license as of the date the department determines that the nursing home is in compliance with Minnesota Statutes, sections 144A.01 to 144A.16 and 7 MCAR §§ 1.044-1.072, unless a later date is requested by the licensee. The amendment to a license is effective for the remainder of the nursing home's licensure year.

7. Issuing conditions or limitations on the license. The department ~~may~~ shall attach to the license any conditions or limitations ~~it considers~~ when necessary to assure compliance with the laws and rules governing the operation of the nursing home or to protect the health, treatment, safety, comfort, and well-being of the nursing home's residents. A condition or limitation may be attached when a license is first issued, when it is renewed, or during the course of the licensure year.

8. Reasons for conditions or limitations. In deciding to condition or limit a license the department shall consider ~~at least~~ the following:

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ADOPTED RULES

a. the nature and number of correction orders or penalty assessments issued to the nursing home or to other nursing homes having some or all of the same controlling persons;

b. the commission of illegal acts by any of the controlling persons or employees of the nursing home permitting, aiding, or abetting of the commission of any illegal act in the nursing home by any of the controlling persons or employees of the nursing home;

c. the performance of any acts contrary to the welfare of the residents in a nursing home by a controlling person or employee;

d. the condition of the physical plant or physical environment; ~~or~~

e. the existence of any outstanding variances or waivers; or

f. the number or types of residents the nursing home is able to provide for.

9. Types of conditions or limitations. ~~The types of conditions or limitations that may be attached to the license include at least the following~~ department shall impose one or more of the following conditions or limitations:

a. restrictions on the number or types of residents to be admitted or permitted to remain in the nursing home;

b. restrictions on the inclusion of specified individuals as controlling persons or managerial employees; or

c. imposition of schedules for the completion of specified activities.

11. Effect of a condition or limitation. A condition or limitation has the force of law. If a licensee fails to comply with a condition or limitation, the department may issue a correction order or assess a fine or it may suspend, revoke, or refuse to renew the license in accordance with Minnesota Statutes, section 144A.11.

~~If the department issues a correction order, it shall determine the time allowed for correction. That time period must be specified in the correction order and must be related to the nature of the violation and the interests of the residents. If the department assesses a fine, the fine is \$250. The fine accrues on a daily basis in accordance with Minnesota Statutes, section 144A.10.~~

12. Appeal procedure. The applicant or licensee may contest the issuance of a conditional or limited license by requesting a contested case proceeding under the Administrative Procedure Act, Minnesota Statutes, sections ~~15.0418 to 15.0426~~ 14.57 to 14.70, within 15 days after receiving the notification described in 10. The request for a hearing must set out in detail the reasons why the applicant contends that a conditional or limited license should not be issued. ~~Except in a proceeding challenging the decision to condition or limit a current or renewal license, the applicant has the burden of proving that an unrestricted license should be issued.~~

13. License application forms. The department shall furnish the applicant or the licensee with the necessary forms to obtain initial or renewed licensure or to request relicensure of the nursing home after a transfer of interest. The license forms must require that the following information be provided:

a. General information.

(1) The name, address, and telephone number of the nursing home;

(2) The name of the county in which the nursing home is located;

(3) The legal property description of the land upon which the nursing home is located;

(4) The licensed bed capacity;

(5) The designation of the classification of ownership, e.g., state, county, city, city/county, hospital district, federal, corporation, nonprofit corporation, partnership, sole proprietorship, or other entity;

(6) The name and address of the controlling person or managerial employee who shall be responsible for dealing with the commissioner of health on all matters relating to the nursing home license and on whom personal service of all notices and orders shall be served;

(7) The location and square footage of the floor space constituting the facility; and

(8) For the purposes of license renewal, an indication of compliance with the provisions regarding the submission of financial statements to the Department of Public Welfare.

b. Disclosure of controlling persons. In accordance with Minnesota Statutes, section 144A.03, which requires that

the nursing home license application identify the name and address of all controlling persons of the nursing home, as defined in Minnesota Statutes, section 144A.01, subdivision 4:

(1) Administrator and licensee.

(a) The name and address of the administrator;

(b) The name and address of the licensee of the nursing home;

(c) If the licensee is a public body or governmental agency, the name and address of all individuals on the governing body who are officers or directors of the nursing home or who receive any remuneration from the nursing home;

(d) If the licensee is a partnership, the name and address of each general partner;

(e) If the licensee is a corporation, the name, address, and position of each individual who is an officer or director;

(f) If the licensee is a business association, the name and address of each individual who is an officer and director of the association;

(2) Administrator and licensee— previous work experience. Specify the previous work experience in Minnesota nursing homes during the past two years for each individual identified under b.(1)(a)-(f).

(3) Ownership interests—licensee.

(a) If the licensee is a partnership, the name and address of every individual, partnership, corporation, or other business association having an ownership interest in the partnership;

(b) If the licensee is a corporation, the name and address of every individual, partnership, corporation, or other business association having an ownership interest in the corporation;

(c) If the licensee is a business association, the name and address of every individual, partnership, corporation, or business association having an ownership interest in the business association.

(4) Ownership interests—land, structure, or facilities comprising the nursing home. The name and address of each individual, partnership, corporation, or other business association having an ownership interest in one or more of the following:

(a) The land on which the nursing home is located;

(b) A structure in which the nursing home is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure comprising the nursing home; or

(d) Any lease or sublease of the land, structure, or facilities comprising the nursing home.

(5) Ownership interests—controlling persons. If a partnership, corporation, or other entity or association has been identified in response to b.3.-4., the following information must be provided:

(a) If a partnership is identified, the name and address of all partners;

(b) If a corporation is identified, the name and address of all individuals, partnerships, corporations, or other business associations having an ownership interest in that corporation;

(c) If a business association is identified, the name and address of all individuals, partnerships, corporations, or business associations having an ownership interest in that association.

If a partnership, corporation, or other business association is identified in response to b.(5), the name and address of the individuals, partnerships, corporations, or other business associations having an ownership interest therein shall be provided.

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ADOPTED RULES

The disclosure of ownership interests in all subsequently identified partnerships, corporations, or business associations shall continue until only natural persons are disclosed.

(6) Ownership interests—beneficial interests. For each individual identified in response to the questions above, the following information must be provided.

(a) The name and address of any individual who has the right to acquire that person's ownership interest through the exercise of an option or similar right; and

(b) The name and address of that person's spouse or relative or a relative of the spouse residing in the home of that person who has the right to control the ownership interest, such as voting rights or the right to share in the income from that interest.

c. Disclosure of managerial employees. Provide the name and address of all assistant administrators and service directors, and indicate their previous work experience in nursing homes located in Minnesota during the past two years.

7 MCAR § 1.046 General policies.

~~M. Compliance with the Vulnerable Adult Abuse Reporting Act. Each nursing home or boarding care home shall comply with the provisions of Minnesota Statutes, section 626.557 and the provisions of 7 MCAR § 1.043.~~

7 MCAR § 1.048 Records and reports.

(APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

A. Patient or resident care record. An individual chart shall be kept on each patient and resident admitted to the home. All entries shall be made with a pen and signed by the person making the entry. Accurate, complete and legible records for each patient or resident from the time of admission to the time of discharge or death shall be kept current and shall be maintained in a chart holder at the nurses' or attendants' station.

8. Record of patients' and residents' funds.

c. Personal fund accounts.

(7) Upon the request of the patient or resident or the patient's or resident's legal guardian or conservator or representative payee, the nursing home or boarding care home shall return all or any part of the patient's or resident's funds given to the nursing home or boarding care home for safekeeping, including interest, if any, accrued from deposits. The nursing home or boarding care home shall develop a policy specifying the period of time during which funds can be withdrawn. This policy must ensure that the ability to withdraw funds is provided in accordance with the needs of the residents. This policy must also specify whether or not the nursing home or boarding care home will establish a procedure allowing patients or residents to obtain funds to meet unanticipated needs on days when withdrawal periods are not scheduled. The nursing home or boarding care home shall notify patients and residents of the ~~time periods during which funds can be withdrawn.~~ The nursing home or boarding care home shall establish a procedure allowing residents to obtain funds to meet unanticipated needs on days when withdrawal periods are not scheduled policy governing the withdrawal of funds. Funds kept outside of the facility shall be returned within five business days.

7 MCAR § 1.053 Medications.

N. Administration of medications by unlicensed personnel. THE FOLLOWING APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES: Unlicensed nursing personnel who administer medications in a nursing home or a boarding care home certified as an intermediate care facility as defined in United States Code, title 42, section 1396d, must have completed a medication administration training program for unlicensed personnel in nursing homes which is offered through a Minnesota postsecondary educational institution. The nursing home or boarding care home shall keep written documentation verifying completion of the required course by all unlicensed nursing personnel administering medications.

7 MCAR § 1.057 Schedule of fines for uncorrected deficiencies.

C. Boarding care homes.

1. A \$50 penalty assessment will be issued to a boarding care home under the provisions of Minnesota Statutes, section 144.653, subdivision 6 for noncompliance with correction orders relating to the following rules:

- a. 7 MCAR § 1.042 B.1.;
- b. 7 MCAR § 1.042 B.2.;
- c. 7 MCAR § 1.042 B.3.;
- d. ~~7 MCAR § 1.042 C.1.;~~

- ~~e.~~ 7 MCAR § 1.042 C.5.;
- ~~f.~~ 7 MCAR § 1.043 C.2.a.;
- ~~g.~~ 7 MCAR § 1.043 D.3.;
- ~~h.~~ 7 MCAR § 1.048 A.4.;
- ~~i.~~ e. 7 MCAR § 1.048 A.8.a.;
- ~~j.~~ f. 7 MCAR § 1.048 A.8.b.(2).;
- ~~k.~~ g. 7 MCAR § 1.048 A.8.c.(3).;
- ~~l.~~ h. 7 MCAR § 1.048 A.8.c.(5).;
- ~~m.~~ i. 7 MCAR § 1.048 A.8.c.(6).;
- ~~n.~~ j. 7 MCAR § 1.048 A.8.d.;
- ~~o.~~ k. 7 MCAR § 1.048 A.8.e.;
- ~~p.~~ l. 7 MCAR § 1.052 A.1.b.; and
- ~~q.~~ m. 7 MCAR § 1.055 U.1.b.(1)(c).

2. A \$250 penalty assessment will be issued to a boarding care home under the provisions of Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to the following rules:

- a. 7 MCAR § 1.042 C.1.;
- b. 7 MCAR § 1.042 C.2.;
- ~~b.~~ c. 7 MCAR § 1.042 C.3.;
- ~~e.~~ d. 7 MCAR § 1.042 C.4.;
- e. 7 MCAR § 1.042 C.5.; and
- ~~d.~~ f. 7 MCAR § 1.042 C.6.;
- ~~e.~~ 7 MCAR § 1.042 C.7.;
- ~~f.~~ 7 MCAR § 1.042 C.8.;
- ~~g.~~ 7 MCAR § 1.042 C.9.;
- ~~h.~~ 7 MCAR § 1.043 B.;
- ~~i.~~ 7 MCAR § 1.043 C.1.;
- ~~j.~~ 7 MCAR § 1.043 C.2.b.;
- ~~k.~~ 7 MCAR § 1.043 C.2.e.;
- ~~l.~~ 7 MCAR § 1.043 C.2.d.;
- ~~m.~~ 7 MCAR § 1.043 C.2.e.;
- ~~n.~~ 7 MCAR § 1.043 D.1.;
- ~~o.~~ 7 MCAR § 1.043 D.2.a.;
- ~~p.~~ 7 MCAR § 1.043 D.2.b.;
- ~~q.~~ 7 MCAR § 1.043 D.2.e.;
- ~~r.~~ 7 MCAR § 1.043 D.2.d.;
- ~~s.~~ 7 MCAR § 1.043 D.2.e.;

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ADOPTED RULES

- ~~t.~~ 7 MCAR § 1.043 E.1.;
- ~~u.~~ 7 MCAR § 1.043 E.2.;
- ~~v.~~ 7 MCAR § 1.043 E.3.;
- ~~w.~~ 7 MCAR § 1.043 E.4.;
- ~~x.~~ 7 MCAR § 1.043 E.5.; and
- ~~y.~~ 7 MCAR § 1.043 F.

D. Nursing homes.

1. A \$50 penalty assessment will be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

- ~~a.~~ 7 MCAR § 1.042 B.1.;
- ~~b.~~ 7 MCAR § 1.042 B.2.;
- ~~c.~~ 7 MCAR § 1.042 B.3.;
- ~~d.~~ 7 MCAR § 1.042 C.1.;
- ~~e.~~ 7 MCAR § 1.042 C.5.;
- ~~f.~~ 7 MCAR § 1.043 C.2.a.;
- ~~g.~~ 7 MCAR § 1.043 D.3.;
- ~~h.~~ 7 MCAR § 1.044 Y.2.;
- ~~i.~~ 7 MCAR § 1.044 Y.3.;
- ~~j.~~ 7 MCAR § 1.048 A.4.;
- ~~k.~~ e. 7 MCAR § 1.048 A.8.a.;
- ~~l.~~ f. 7 MCAR § 1.048 A.8.b. (2);
- ~~m.~~ g. 7 MCAR § 1.048 A.8.c.(3);
- ~~n.~~ h. 7 MCAR § 1.048 A.8.c.(5);
- ~~o.~~ i. 7 MCAR § 1.048 A.8.c.(6);
- ~~p.~~ j. 7 MCAR § 1.048 A.8.d.;
- ~~q.~~ k. 7 MCAR § 1.048 A.8.e.;
- ~~r.~~ l. 7 MCAR § 1.052 A.1.b.;
- ~~s.~~ m. 7 MCAR § 1.053 F.2.;
- ~~t.~~ n. 7 MCAR § 1.055 U.1.b.(1)(c); and
- ~~u.~~ o. 7 MCAR § 1.064 A.3.f.(1)(a).

2. A \$150 penalty assessment will be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

- ~~a.~~ 7 MCAR § 1.042 C.1.;
- ~~b.~~ 7 MCAR § 1.042 C.2.;
- ~~c.~~ 7 MCAR § 1.042 C.3.;
- ~~d.~~ 7 MCAR § 1.042 C.4.;
- ~~e.~~ 7 MCAR § 1.042 C.5.;
- ~~f.~~ 7 MCAR § 1.042 C.6.;
- ~~g.~~ 7 MCAR § 1.042 C.7.;

- ~~f.~~ 7 MCAR § 1.042 C.8.;
~~g.~~ 7 MCAR § 1.042 C.9.;
~~h.~~ 7 MCAR § 1.043 B.;
~~i.~~ 7 MCAR § 1.043 C.1.;
~~j.~~ 7 MCAR § 1.043 C.2.b.;
~~k.~~ 7 MCAR § 1.043 C.2.e.;
~~l.~~ 7 MCAR § 1.043 C.2.d.;
~~m.~~ 7 MCAR § 1.043 C.2.e.;
~~n.~~ 7 MCAR § 1.043 D.1.;
~~o.~~ 7 MCAR § 1.043 D.2.a.;
~~p.~~ 7 MCAR § 1.043 D.2.b.;
~~q.~~ 7 MCAR § 1.043 D.2.e.;
~~r.~~ 7 MCAR § 1.043 D.2.d.;
~~s.~~ 7 MCAR § 1.043 D.2.e.;
~~t.~~ 7 MCAR § 1.043 E.1.;
~~u.~~ 7 MCAR § 1.043 E.2.;
~~v.~~ 7 MCAR § 1.043 E.3.;
~~w.~~ 7 MCAR § 1.043 E.4.;
~~x.~~ 7 MCAR § 1.043 E.5.;
~~y.~~ 7 MCAR § 1.043 F.;
~~z.~~ g. 7 MCAR § 1.046 L.2.b.;
~~aa.~~ h. 7 MCAR § 1.046 L.2.c.;
~~bb.~~ i. 7 MCAR § 1.046 L.2.d.;
~~cc.~~ j. 7 MCAR § 1.046 L.2.e.;
~~dd.~~ k. 7 MCAR § 1.046 L.2.f.;
~~ee.~~ l. 7 MCAR § 1.046 L.3.;
~~ff.~~ m. 7 MCAR § 1.047 A.;
~~gg.~~ n. 7 MCAR § 1.048 A.8.b. (1);
~~hh.~~ o. 7 MCAR § 1.048 A.8.c. (1);
~~ii.~~ p. 7 MCAR § 1.048 A.8.c. (2);
~~jj.~~ q. 7 MCAR § 1.048 A.8.c. (4) (a);
~~kk.~~ r. 7 MCAR § 1.048 A.8.c. (4) (b);
~~ll.~~ s. 7 MCAR § 1.048 A.8.c. (4) (c);
~~mm.~~ t. 7 MCAR § 1.048 A.8.c. (7);
~~nn.~~ u. 7 MCAR § 1.053 N.;
~~oo.~~ v. 7 MCAR § 1.055 U.1.b. (1) (a);
~~pp.~~ w. 7 MCAR § 1.055 U.1.b. (1) (b);

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ADOPTED RULES

- ~~qq.~~ x. 7 MCAR § 1.055 U.1.b. (2) (a);
- ~~rr.~~ y. 7 MCAR § 1.055 U.1.b. (2) (b);
- ~~ss.~~ z. 7 MCAR § 1.055 U.1.b. (2) (c);
- ~~tt.~~ aa. 7 MCAR § 1.055 U.1.b. (2) (d);
- ~~uu.~~ bb. 7 MCAR § 1.055 U.1.b. (2) (e);
- ~~vv.~~ cc. 7 MCAR § 1.055 U.1.b. (2) (f);
- ~~ww.~~ dd. 7 MCAR § 1.055 U.1.b. (2) (g);
- ~~xx.~~ ee. 7 MCAR § 1.055 U.1.b. (2) (h); and
- ~~yy.~~ ff. 7 MCAR § 1.055 U.1.b. (2) (i).

7 MCAR § 1.058 Allowable time periods for correction.

A. Allowable time periods for correction. The allowable time periods for complying with a correction order issued by the department shall be as follows:

- ~~1.~~ 7 MCAR § ~~1.044~~
 - ~~a.~~ Y.2. 14 days
 - ~~b.~~ Y.3. 14 days
- 4. 6. [See renumbering instruction Unchanged.]
- ~~6.~~ 7 MCAR § ~~1.053~~
 - ~~a.~~ F.2. 30 days
 - ~~b.~~ N. 14 days
- ~~6.7.~~ [See renumbering instruction.]
- 9. 7 MCAR § ~~1.042~~
 - ~~a.~~ B.1. 30 days
 - ~~b.~~ B.2. 30 days
 - ~~c.~~ B.3. 30 days
 - ~~d.~~ C.1. 30 days
 - ~~e.~~ C.2. 30 days
 - ~~f.~~ C.3. 14 days
 - ~~g.~~ C.4. 14 days
 - ~~h.~~ C.5. 14 days
 - ~~i.~~ C.6. 14 days
 - ~~j.~~ C.7. 14 days
 - ~~k.~~ C.8. 14 days
 - ~~l.~~ C.9. 14 days
- 10. 7 MCAR § ~~1.043~~
 - ~~a.~~ b. 14 days
 - ~~b.~~ C.1. 14 days
 - ~~c.~~ C.2.a. 14 days
 - ~~d.~~ C.2.b. 14 days

 - ~~e.~~ C.2.e. 14 days
 - ~~f.~~ C.2.d. 14 days
 - ~~g.~~ C.2.e. 14 days
 - ~~h.~~ D.1. 14 days

i. D.2.a.	14 days
j. D.2.b.	14 days
k. D.2.c.	14 days
l. D.2.d.	14 days
m. D.2.e.	14 days
n. D.3.	14 days
o. E.1.	14 days
p. E.2.	14 days
q. E.3.	14 days
r. E.4.	14 days
s. E.5.	14 days
t. F.	14 days

~~C. Decreasing the time allowed for correction. The department shall allow the nursing home the period of time for correction specified in section A. unless the department determines that a violation must be corrected within a shorter time because noncompliance will jeopardize the health, treatment, safety, comfort, or well-being of the nursing home residents. If the department orders a shorter period of time for correction, that time period must be specified in the correction order and must be related to the nature of the violation and the interests of the residents. No provision in 7 MCAR § 1.058 prevents the department from ordering immediate correction of a deficiency if necessary to protect the health, treatment, safety, comfort, and well-being of the nursing home residents.~~

7 MCAR § 1.392 General provisions.

~~N. Compliance with the Vulnerable Adult Abuse Reporting Act. Each supervised living facility shall comply with the provisions of Minnesota Statutes, section 626.557 and the provisions of 11 MCAR § 1.043.~~

~~Q. Schedule of fines for uncorrected deficiencies.~~

1. A \$50 penalty assessment will be issued to a supervised living facility under Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to the rules listed below:

- a. 7 MCAR § 1.042 B.1.;
- b. 7 MCAR § 1.042 B.2.; and
- c. 7 MCAR § 1.042 B.3.;
- ~~d. 7 MCAR § 1.042 C.1.;~~
- e. 7 MCAR § 1.042 C.5.;
- f. 7 MCAR § 1.043 C.2.a.; and
- ~~g. 7 MCAR § 1.043 D.3.~~

2. A \$250 penalty assessment will be issued to a supervised living facility under Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to the following rules:

- a. 7 MCAR § 1.042 C.1.;
- b. 7 MCAR § 1.042 C.2.;
- ~~b.~~ c. 7 MCAR § 1.042 C.3.;
- ~~e.~~ d. 7 MCAR § 1.042 C.4.;
- e. 7 MCAR § 1.042 C.5.; and
- ~~d.~~ f. 7 MCAR § 1.042 C.6.;

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ADOPTED RULES

- e. 7 MCAR § 1.042 C.7.;
- f. 7 MCAR § 1.042 C.8.;
- g. 7 MCAR § 1.042 C.9.;
- h. 7 MCAR § 1.043 B.;
- i. 7 MCAR § 1.043 C.1.;
- j. 7 MCAR § 1.043 C.2.b.;
- k. 7 MCAR § 1.043 C.2.e.;
- l. 7 MCAR § 1.043 C.2.d.;
- m. 7 MCAR § 1.043 C.2.e.;
- n. 7 MCAR § 1.043 D.1.;
- o. 7 MCAR § 1.043 D.2.a.;
- p. 7 MCAR § 1.043 D.2.b.;
- q. 7 MCAR § 1.043 D.2.e.;
- r. 7 MCAR § 1.043 D.2.d.;
- s. 7 MCAR § 1.043 D.2.e.;
- t. 7 MCAR § 1.043 E.1.;
- u. 7 MCAR § 1.043 E.2.;
- v. 7 MCAR § 1.043 E.3.;
- w. 7 MCAR § 1.043 E.4.;
- x. 7 MCAR § 1.043 E.5.; and
- y. 7 MCAR § 1.043 F.

Relettering and renumbering. Reletter 7 MCAR § 1.046 (a)-(f) as A.-F.; (h)-(k) as H.-K.; 7 MCAR § 1.053 (a)-(e) as A.-E.; (g)-(m) as G.-M.; and 7 MCAR § 1.392 (c)-(1) as C.-L. Renumber 7 MCAR § 1.058 A.1. 4. as A.2. 5.; and A.6. 7. as A.7. 8.

Minnesota Housing Finance Agency

Adopted Rules Relating to the Definition of Adjusted Income (12 MCAR § 3.002 N.) and the Effective Date of this Rule (12 MCAR § 3.0021)

Adopted Rule Relating to the Income Limits for the Rehabilitation Loan Program (12 MCAR § 3.002 O.4.)

Adopted Rules Relating to the Amount of Grant or Loan in the Rehabilitation Loan Program (12 MCAR § 3.064) and Eligible Properties (12 MCAR § 3.066)

The rules proposed and published at *State Register*, Volume 7, Number 39, pages 1364-1372, March 28, 1983 (7 S.R. 1364) are adopted with the following modifications:

Rules as Adopted

12 MCAR § 3.002 Definitions.

N. "Adjusted income" means the gross annual income, from all sources and before taxes or withholding, of all residents age 18 and over, of a housing unit, after deducting the following:

12 MCAR § 3.0021 Effective date.

The amendment to 12 MCAR § 3.002 N. is effective on June 1, 1983, or five days after its final adoption, whichever occurs first, for multi-unit mortgage loans under chapter 4 of these rules; on July 1, 1983, or five days after its final adoption.

whichever occurs first, for home improvement loans under chapter 6 of these rules, and for home improvement grants and rehabilitation loans under chapter 7 of these rules; and on January 1, 1984, for all other programs of the agency.

12 MCAR § 3.064 Amount of grant or loan.

The amount of the rehabilitation grant or loan shall not exceed the lesser of:

- A. \$6,000; or
- B. the actual cost of the work performed; or

Board of Teaching

Adopted Rule Governing Fee for Issuance and Renewal of a License to Teach

The Board of Teaching has adopted the following rule in accordance with Laws of 1981, chapter 359, section 2, subdivision 4.

Rule as Adopted

5 MCAR § 3.003 Issuance and renewal of all licenses; fees.

A.-C. [Unchanged.]

D. Effective July 1, ~~1981~~ 1983, each application for the issuance and/or renewal of a license to teach shall be accompanied by a processing fee in the amount of ~~\$35~~ \$40. The fees shall be paid to the commissioner of education who shall deposit them with the State Treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

E. [Unchanged.]

Department of Public Safety Administration Division

Adopted Rules Governing the Method of Identification and Signals for School Safety Patrol

The rules proposed and published at *State Register*, Volume 7, Number 31, pages 1111-1114, January 1, 1983 (7 S.R. 1111) are adopted with the following modifications:

Rules as Adopted

11 MCAR § 1.0065 Purpose and scope.

M. A private sponsor's decal or logo, no larger than 4" by 3", may be affixed to the flag, but no portion of this logo may be within the octagonal yellow field.

11 MCAR § 1.0068 Position and procedure at street intersection or crossing.

D. When the lanes of the roadway are clear of traffic the patrol member shall extend the flag into the traffic lane at an angle of approximately 45 degrees upward. This will be the signal for all the children to start crossing the street. Holding the flag at a 45 degree angle will place it above the heads of the children. With two patrol members at one intersection, each member shall make a quarter turn in the direction of the oncoming traffic with at least one foot remaining on the curb or shoulder.

H. There shall be at least two patrol members at each crossing. One patrol member shall operate as the sender on the side from which the children gather, and the other shall take a similar position on the opposite side of the roadway and operate as the receiver.

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ADOPTED RULES

Minnesota Public Utilities Commission

Adopted Rule Governing Schedule Changes of Common Carriers

The rule proposed and published at *State Register*, Volume 7, Number 40, pages 1429-1430, April 4, 1983 (7 S.R. 1429) is adopted as proposed.

Department of Public Welfare

Adopted Rules Governing Mental Health Center and Mental Health Clinic Standards

The rules proposed and published at *State Register*, Volume 7, Number 23, pages 890-899, December 6, 1983 (7 S.R. 890) are adopted with the following modifications:

Rules as Adopted

12 MCAR § 2.029 Mental health center and mental health clinic standards.

Rules 12 MCAR §§ 2.0291-2.0298 establish standards for approval of mental health centers and mental health clinics for purposes of insurance and subscriber contract reimbursement under Minnesota Statutes, section 62A.152.

12 MCAR § 2.0291 Definitions.

C. Approval. "Approval" means the determination by the commissioner that the applicant center has met the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ ~~2.029~~ 2.0291-2.0298, and is therefore eligible to claim reimbursement for outpatient clinical services under the terms of Minnesota Statutes, section 62A.152. Approval of a center under 12 MCAR §§ 2.0291-2.0298 does not mean approval of a multidisciplinary staff person of such center to claim reimbursement from Medical Assistance or other third party payors when practicing privately. Approval of a center under 12 MCAR §§ 2.0291-2.0298 does not mean approval of such center to claim reimbursement from Medical Assistance.

M. Disapproval or withdrawal of approval. "Disapproval" or "withdrawal of approval" means a determination by the commissioner that the applicant center does not meet the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

N. Discipline. "Discipline" means a branch of professional knowledge or skill acquired through a specific course of study and training and usually documented by a specific educational degree or certification of proficiency. Examples of the mental health disciplines include but are not limited to psychiatry, ~~clinical~~ psychology, clinical social work, and psychiatric nursing.

Q. Mental health practitioner. "Mental health practitioner" means a staff person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

1. by having a bachelor's degree in one of the behavioral sciences or a related ~~field,~~ fields from an accredited college or university and 2,000 hours of supervised ~~clinical~~ experience in the delivery of clinical services in the treatment of mental illness;

2. by having 6,000 hours of supervised ~~clinical~~ experience in the delivery of clinical services in the treatment of mental illness;

3. by being a graduate student in a ~~mental health discipline~~ one of the behavioral sciences or related fields formally assigned to the center for clinical training by an accredited college or university; or

4. by having a master's or other graduate degree in a ~~mental health discipline~~ one of the behavioral sciences or related fields from an accredited college or university.

Documentation of compliance with 12 MCAR § 2.0294 D.2. is required for designation of work as supervised ~~clinical~~ experience in the delivery of clinical services. Documentation of the accreditation of a college or university shall be a listing in Accredited Institutions of Post-Secondary Education Programs, Candidates for the year the degree was issued. The master's degree in behavioral sciences or related fields shall include a minimum of 28 semester hours of graduate course credit in mental health theory and supervised clinical training, as documented by an official transcript.

R. Mental health professional. "Mental health professional" means a staff person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

1. in psychiatric nursing: a registered nurse with either a master's degree in a ~~mental health discipline~~ one of the behavioral sciences or related fields from an accredited college or university, or its equivalent, who is licensed under

ADOPTED RULES

Minnesota Statutes, sections 148.171 to 148.285, with at least 4,000 hours of post master's supervised ~~clinical~~ experience in the delivery of clinical services in the treatment of mental illness;

2. in clinical social work: a person with either a master's degree in ~~clinical~~ social work from an accredited college or university, or its equivalent, with at least 4,000 hours of post master's supervised ~~clinical~~ experience in the delivery of clinical services in the treatment of mental illness;

3. in ~~clinical~~ psychology: a psychologist licensed under Minnesota Statutes, sections 148.88 to 148.98, who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

4. in psychiatry: a physician licensed under Minnesota Statutes, chapter 147 and certified by the American Board of Psychology Psychiatry and Neurology or eligible for board certification in psychiatry; and

5. in allied fields: a person with either a master's degree from an accredited college or university in one of the behavioral sciences or related fields, or its equivalent, ~~whose official transcript documents that the degree or its equivalent includes a minimum of 28 semester hours of graduate course credit in mental health theory and supervised clinical training,~~ with at least 4,000 hours of post master's supervised ~~clinical~~ experience in the delivery of clinical services in the treatment of mental illness; or a physician licensed under Minnesota Statutes, chapter 147.

Documentation of compliance with 12 MCAR § 2.0294 D.2. is required for designation of work as supervised ~~clinical~~ experience in the delivery of clinical services. Documentation of the accreditation of a college or university shall be a listing in Accredited Institutions of Post-secondary Education, Programs, Candidates for the year the degree was issued. The master's degree in social work, behavioral sciences or related fields or its equivalent shall include a minimum of 28 semester hours of graduate course credit in mental health theory and supervised clinical training as documented by an official transcript.

U. Serious violations of policies and procedures. "Serious violations of policies and procedures" means a violation which threatens the health, safety, or rights of clients or center staff; the repeated nonadherence to center policies and procedures; and the nonadherence to center policies and procedures which result in noncompliance with Minnesota Statutes, section 245.69, subdivision 2 and 12 MCAR §§ 2.0291-2.0298.

V. Treatment strategy. "Treatment strategy" means the particular form of service delivery or intervention which specifically addresses the client's characteristics and mental illness, and describes the process for achievement of individual treatment plan goals.

12 MCAR § 2.0292 Mental health center; mental health clinic.

A. Organizational structure.

1. The center or the facility of which it is a unit shall be legally constituted as a partnership, corporation, or government agency. The center shall be either the entire facility or a clearly identified unit within the facility which is administratively and clinically separate from the rest of the facility. All business shall be conducted ~~at that~~ in the name of the center or facility, except Medical Assistance billing by individually-enrolled providers when the center is not enrolled.

B. Secondary locations.

1. The center shall notify the commissioner of all center locations. If there is more than one center location, the center shall designate one as the main office and all secondary locations as satellite offices. The main office as a unit and the center as a whole shall be in compliance with 12 MCAR § 2.0295. The main office shall function as the center records and documentation storage area and house most administrative functions for the center. Each satellite office shall:

e. ensure that a mental health professional is on site at the satellite office and competent to supervise and intervene in the clinical services provided ~~at that site~~ there, whenever the satellite office is open;

12 MCAR § 2.0293 Minimum treatment standards.

D. Treatment planning. The individual treatment plan, based upon a diagnostic assessment of mental illness, shall be jointly developed by the client and the mental health professional. This planning procedure shall ensure that the client has been informed in the following areas: assessment of the client condition; treatment alternatives; possible outcomes and side effects of

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ADOPTED RULES

treatment; treatment recommendations; approximate length, cost, and hoped-for outcome of treatment; the client's rights and responsibilities in implementation of the individual treatment plan; staff rights and responsibilities in the treatment process; the Government Data Practices Act, ~~Minnesota Statutes, sections 15.1611 to 15.1699~~; and procedures for reporting grievances and alleged violation of client rights. If the client is considering chemotherapy, hospitalization, or other medical treatment, the appropriate medical staff person shall inform the client of the treatment alternatives, the effects of the medical procedures, and possible side effects. Clinical services shall be appropriate to the condition, age, sex, socioeconomic, and ethnic background of the client, and provided in the least restrictive manner. Clinical services shall be provided according to the individual treatment plan and existing professional codes of ethics.

F. Consultation; case review. The center shall establish standards for case review and encourage the ongoing consultation among multidisciplinary staff. The multidisciplinary staff shall attend staff meetings at least twice monthly for a minimum of four hours per month, or a minimum of two hours per month if the multidisciplinary staff person provides clinical services in the treatment of mental illness less than 15 hours per week. The purpose of these meetings shall be case review and consultation. Written minutes of the meeting shall be maintained at the center for at least three years after the meeting.

12 MCAR § 2.0294 Minimum quality assurance standards.

B. Peer review. The center shall have a multidisciplinary peer review system to assess the manner in which multidisciplinary staff provide clinical services in the treatment of mental illness. Peer review shall include the examination of clinical services to determine if the treatment provided was effective, necessary, and sufficient and of client records to determine if the recorded information is necessary and sufficient. The system shall ensure review of a randomly selected sample of five percent or six cases, whichever is less, of the annual caseload of each mental health professional by other multidisciplinary mental health professional staff. Peer review findings shall be discussed with staff involved in the case and followed up by any necessary corrective action. Peer review records shall be maintained at the center.

F. Violations of standards.

1. The center shall have procedures for the reporting and investigating of alleged unethical, illegal, or grossly negligent acts, and of the serious violation of written policies and procedures. ~~Serious violations of policies and procedures are: a violation which threatens the health, safety, or rights of clients or center staff; the repeated nonadherence to policies and procedures; and the nonadherence to policies and procedures which result in noncompliance with Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.~~ The center shall document that the reported behaviors have been reviewed and that responsible disciplinary or corrective action has been taken if the behavior was substantiated. The procedures shall address both client and staff reporting of complaints or grievances regarding center procedures, staff, and services. Clients and staff shall be informed they may file the complaint with the department if it was not resolved to mutual satisfaction.

G. Data classification. Client information compiled by the center, including client records and minutes of case review and consultation meetings, shall be protected as private data ~~on individuals within the welfare system~~ under the Minnesota Government Data Practices Act.

12 MCAR § 2.0295 Minimum staffing standards.

A. Required staff.

1. The multidisciplinary staff of a center shall consist of at least four mental health professionals. At least two of the mental health professionals shall each be employed or under contract for a minimum of 35 hours a week by the center. Those two professionals shall be of different disciplines and shall be either a clinical social worker, psychiatric nurse, psychologist, or a psychiatrist. ~~At least two mental health professionals shall be on site when the center is open.~~

4. The mental health professional employed or under contract to the center to meet a requirement of 2. or 3. shall be ~~on site at the main office of the center~~ and providing clinical services in the treatment of mental illness at least eight hours every two weeks. The center shall employ or contract with the professionals required in 2. ~~or so that these professionals together comprise ten percent of the full-time equivalent multidisciplinary staff time spent in clinical services to ensure and document their ongoing presence and availability in the provision of clinical services.~~ The center shall employ or contract with the professionals required in 3. so that each professional comprises five percent of the full-time equivalent multidisciplinary staff time spent in clinical services, or 35 hours, whichever is less, to ensure and document their ongoing presence and availability in the provision of clinical services.

12 MCAR § 2.0296 Application procedures; review; decision.

A. Application.

1. A facility seeking approval as a center for insurance reimbursement of its outpatient clinical services in treatment of mental illness must make formal application to the commissioner for such approval. The application form for this purpose may

be obtained from the Mental Illness Program Division of the department. The application form shall require only information which is required by statute or rule, and may shall require the applicant center to explain and provide documentation of compliance with the minimum standards in Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298.

~~5. A center whose application is disapproved or whose approval is withdrawn may not reapply for 90 days following notification of disapproval or the withdrawal of approval. A center whose approval is withdrawn under 12 MCAR § 2.0297 D.2. or due to noncompliance with 12 MCAR § 2.0294 F.1. may not reapply for two years following notification of disapproval.~~

B. Review of applicant centers.

1. The formal review shall begin after the completed application has been received, and shall include an examination of the written application and a visit to the center. The applicant center shall be offered a choice of site visit dates, with at least one date falling within 60 days of the date on which the department receives the complete application. The site visit shall include interviews with multidisciplinary staff and examination of a random sample of case client records, consultation minutes, quality assurance reports, and multidisciplinary staff records.

~~3. The applicant center shall allow the commissioner to inspect the center at any time during the approval and deferral periods, whether or not the visit had been announced in advance. A visit shall occur only during normal working hours of the center and shall not disrupt the normal functioning of the center.~~

C. Decision on application.

4. If an application is deferred, the length of deferral shall not exceed 180 days. If the areas of noncompliance stated in the deferral notice are not satisfactorily corrected by the end of the deferral period, the application shall be disapproved. The applicant center shall allow the commissioner to inspect the center at any time during the deferral period, whether or not the site visit has been announced in advance. A site visit shall occur only during normal working hours of the center and shall not disrupt the normal functioning of the center. At any time during the deferral period, the applicant center may submit documentation indicating correction of noncompliance. The application shall then be approved or disapproved. At any time during the deferral period, the applicant center may submit a written request to the commissioner to change the application status to disapproval. The request shall be complied with within 14 days of receiving this written request. The applicant center is not an approved center for purposes of Minnesota Statutes, section 62A.152 during a deferral period.

D. Appeals. If an application is disapproved or approval is withdrawn, a contested case hearing and judicial review as provided in Minnesota Statutes, sections ~~15.0418 to 15.0425~~ 14.48 to 14.70, may be requested by the center within 30 days of 12 MCAR § 2.0297 Post-approval requirements.

E. Compliance reports. The center may be required to submit written information to the department during the approval period to document that the center has maintained compliance with the rule and center procedures. The center shall allow the commissioner to inspect the center at any time during the approval period, whether or not the site visit has been announced in advance. A site visit shall occur only during normal working hours of the center and shall not disrupt the normal functioning of the center.

12 MCAR § 2.0298 Variances.

B. ~~Application~~ Request procedure. A request for a variance must be submitted in writing to the commissioner, accompanying or following the submission of a completed application for approval under Minnesota Statutes, section 245.69, subdivision 2, and 12 MCAR §§ 2.0291-2.0298. The request shall state: ~~Repealer.~~ The following provisions of 12 MCAR § 2.028 are repealed: the second sentence of the third paragraph of (a); the first sentence of (s); and (t).

Relettering. Reletter 12 MCAR § 2.028 (u) as (t).

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SUPREME COURT

Decisions Filed Friday, June 17, 1983

Compiled by Wayne Tschimperle, Clerk

C5-82-1410 Michael Charles Lundberg, Appellant, v. Dana Scoggins. Hennepin County.

An action for negligent accusation and misidentification of a criminal suspect does not state a claim upon which relief can be granted.

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

C7-82-985 In re: D.M.C., R.L.R., Jr. Ramsey County.

Application for writ of prohibition seeking release of medical records to a court-appointed examiner in involuntary commitment proceedings is not made moot by the voluntary commitment of the proposed patients.

Minn. Stat. § 253B.07, subd. 5 (1982), provides for no explicit limitation on which medical records may be made available to the pre-hearing examiner in involuntary commitment proceedings.

The "medical privilege" is a statutory privilege and the legislature can limit or vary the privilege it has granted.

A proposed patient subject to involuntary commitment proceedings cannot assert a medical privilege to prevent relevant medical records from being released to the medical examiner appointed under Minn. Stat. § 253B.07, subd. 3 (1982).

A pre-hearing examiner appointed pursuant to Minn. Stat. § 253B.07, subd. 3 (1982), is entitled to receive prior medical records which are relevant and germane to the present mental and/or physical condition of the proposed patient. The proposed patient can make timely application to the court for a protective order to exclude records which are not relevant nor germane.

A pre-hearing examiner appointed pursuant to Minn. Stat. § 253B.07, subd. 3 (1982), should use medical records of proposed patients to conduct the pre-hearing examination and may use them to form the basis for an opinion as to the necessity of involuntary commitment.

Writ of Prohibition shall not issue. Todd, J. Concurring specially, Wahl, Yetka and Coyne, JJ. Took no part, Simonett, J.

C3-81-1170 Lawrence Jenson, et al., Appellants, v. Touche Ross & Co., defendant and third party plaintiff, and Lawrence Lokken, Defendant, v. Continental Financial Corporation, et al., Third Party Defendants. Hennepin County.

The trial court did not err in its discretionary rulings excluding or restricting certain evidence offered by plaintiffs for lack of materiality, foundation, probative value, or cumulative effect.

Minn. Stat. § 325F.69, subd. 1 (1982), the state consumer fraud statute, does not impose a strict liability standard on accounting practitioners.

The state false advertising statute, Minn. Stat. § 325F.67 (1982), does not, as a matter of law, apply to the accountant whose audit report to the seller-advertiser is included in the advertisement of the seller-advertiser.

As a matter of law, under the facts of this case, the accountant for the seller of unregistered securities was not an agent of the seller and, therefore, not liable for the sale of unregistered securities under Minn. Stat. § 80A.08 (1982).

Defendant accounting firm did not violate sections 80A.01 and 80A.03 (1982) of the Minnesota Uniform Securities Act relating to the sale of fraudulent securities.

The trial court did not exceed its discretion in denying plaintiffs' motion to disqualify the law firm representing the defendant, where a sole practitioner had formerly been associated with plaintiffs' counsel in matters involving the defendant, and thereafter the sole practitioner joined the law firm representing the defendant.

Affirmed. Simonett, J.

STATE CONTRACTS

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

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

Department of Agriculture Plant Industry Division

Notice of Request for Proposals for Advertising Services

The Plant Industry Division, Department of Agriculture, is seeking a consultant to provide advertising services under contract as follows:

1. To promote the quality of Minnesota Certified Seed Potatoes and thus increase the demand and sales of same through advertising promotion in various printed media, including various potato oriented publications throughout the country:
2. To develop and implement, upon review and approval of the department, an advertising campaign to accomplish objective #1.

The selected consultant will be paid up to \$21,000 for services rendered. The actual contract payment will be based upon the actual services performed. The contract will be for August 1, 1983 through June 30, 1984.

Proposal submissions will be accepted until 4:30 p.m. on July 18, 1983. The formal RFP may be requested from and other inquiries may be made to:

Ronald M. Sushak
Plant Industry Division
90 West Plato Blvd., Room 226
St. Paul, Minnesota 55107
(612) 296-8410

Department of Corrections

Notice of Request for Proposals for (1) Financial Arrangements for or (2) Financial Arrangements for and Construction of a Women's Correctional Facility

The State of Minnesota plans to occupy a new correctional facility at Shakopee, Minnesota. The state is seeking proposals on the feasibility of:

(1) Financial arrangements necessary to generate funds for payment of the cost of the new facility—at least \$15,000,000.00;
or

(2) Financial arrangements necessary to generate funds for payment of the cost of the new facility (at least \$15,000,000.00) and construction of the new facility.

A detailed Request for Proposal is available.

The final submission date for proposals is 4:30 p.m. July 18, 1983.

Contact:

James Zellmer
Department of Corrections
Suite 430 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
297-2818

State Designer Selection Board

Request for Proposal

To Architects and Engineers Registered in Minnesota:

The State Designer Selection Board has been requested to select designer for two projects for the Department of Transportation. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 p.m., July 20, 1983, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identify of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7A. PROJECT 4-83

Area Maintenance Headquarters
Morris, Minnesota
Department of Transportation
Project Budget: \$925,000.00

a) General Description—This facility will consist of a new shop, stockroom and office totaling 22,050 Sq. Ft. The floor plan for this facility will be per basic Minnesota Department of Transportation layout with minor modifications. The buildings shall be constructed of durable long life materials such as block with brick exterior or insulated precast. The building shall be laid out such that a future addition can be made to it which will house the heavy equipment for snowplowing etc. Cost of the building is limited to a maximum of \$35.00 per square foot.

b) Site Development—The site is approximately 17 acres on the south side of Morris at T.H. 28 bypass and T.H. 9. Grading, base bituminous surfacing, curbs, sidewalks, site lighting, drainage and landscaping are required in the plan.

c) Architectural Contract—A proposed plan has been in existence for approximately 10 years and needs to be updated to present codes and minor modifications in layout made. Since very little preliminary work remains before final plans can begin, the Department suggests a fee of 5½% is appropriate for this project.

7B. HEADQUARTERS OFFICE ADDITION

GOLDEN VALLEY, MINNESOTA
DEPARTMENT OF TRANSPORTATION
PROJECT BUDGET: \$980,000.00

a) General Description—This addition will consist of 20,000 Sq. Ft. of office space to be built onto and around the existing office at the Golden Valley Minnesota Department of Transportation building. The new space will house approximately 205 people from Right-of-Way; Transportation Planning; Layout, Research and Development; Final Design; Traffic Engineering; Field Construction and Surveys. It is desired that the exterior walls of the present office structure be replaced as part of this project.

Site Work—Minor sitework and landscaping within 20 feet of the building and sidewalks are all that is included in this project.

c) Architectural Contract—This project has had no prior architect involvement. Since there is some remodeling of existing space involved in fitting the new office area around the old, the fee offered is 8½%.

The Minnesota Department of Transportation contact person is Paul M. Jensen, Building Engineer at 297-3591 for any more information regarding these projects.

Roger D. Clemence, Chairman
State Designer Selection Board

Department of Economic Security Governor's Job Training Office

Notice of Request for Proposals for Operation of Senior Community Service Employment Program

The Minnesota Department of Economic Security, Governor's Job Training Office, is requesting proposals from qualified bidders to operate Senior Community Service Employment Programs (SCSEP) in Anoka, Scott and Washington counties. The program, authorized by Title V of the Older American's Act, provides employment and training services to low-income persons 55 years of age and older. The SCSEP program is designed "to provide, foster and promote useful part-time employment opportunities in community service employment for low-income persons who are 55 years of age and older, and, to assist and promote the transition of program enrollees into private or other unsubsidized employment".

Approximately \$160,000 is available for the period from August 1, 1983 to June 30, 1984 to serve these Counties as follows:

<u>COUNTY</u>	<u>MAXIMUM FUNDS AVAILABLE</u>	<u>AUTHORIZED ENROLLMENT POSITIONS</u>
Anoka	\$69,000	15
Scott	\$46,000	10
Washington	\$46,000	10

STATE CONTRACTS

Request for Proposal and the application form are available upon request. Inquiries and requests should be directed to:

Jim Korkki
Governor's Job Training Office
690 American Center Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101
(612) 297-2059

Proposals must be received by the Governor's Job Training Office no later than Friday, July 22, 1983 at 4:30 p.m.

Department of Public Welfare Chemical Dependency Division

Notice of Request for Proposals for Services for Chronic Chemically Dependent People

The Chemical Dependency Division of the Department of Public Welfare is requesting proposals for initiation or development of services for chronic chemically dependent people. Proposals may be submitted for new treatment or board and lodging development, improvements or expansions to existing services, or development and demonstration of new treatment or care strategies. Proposals must be received by August 3, 1983, for grant activity starting between October 1, 1983 and January 1, 1984. All grant funded activity must be completed by June 30, 1984. Proposals must be submitted on a Chemical Dependency grant application form. An application form and a copy of the full request for proposals may be obtained from:

Dorrie Hennagir, Grants Analyst
Chemical Dependency Program Division
Department of Public Welfare
4th Floor, Centennial Office Building
St. Paul, MN 55155

Questions regarding program concerns should be directed to Wayne Raske at the above address or at (612) 296-2174. It is contemplated that up to three grants for up to \$25,000 each will be funded. The Department of Public Welfare is not responsible for any costs incurred in preparing or submitting proposals. The department reserves the right to reject any and all proposals and allocate part or all of the funds to another purpose.

OFFICIAL NOTICES

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

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

Department of Administration Board of Electricity

Notice of Board Meeting

The State Board of Electricity is currently meeting on the second Tuesday of each month in the State Board offices at 1821 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 297-2111.

Department of Administration

Notice of State Surplus Property Sale

In compliance with Minn. Stat. § 94.09, *et seq.*, the Commissioner of Administration offers for sale by sealed bids two parcels

of real estate comprising the former fisheries headquarters in Grand Rapids, Minnesota. Tract "A" consists of a 2.75 acre site with 400 feet of frontage on Old Golf Course Road and is improved with a two story office building (44 × 80), a two story house converted to office use, and miscellaneous garages and shed. Appraised value and minimum bid is \$183,775. Tract "B" consists of approximately 19 acres of unimproved land with approximately 1030 feet of frontage along 3rd Avenue S.W. Appraised value and minimum bid is \$69,984.

The property will be made available for inspection by appointment only. Arrangements for showing may be made by contacting:

John Chell, Regional Admin.
1201 East Highway 2
Grand Rapids, MN 55744
Tele. (218) 327-1702

The bids will be opened and read aloud publicly at Room G-22 Administration Bldg., 50 Sherburne Avenue, St. Paul, MN on July 26, 1983 at 2:30 p.m.

Bidders shall be required to submit a cashier's check with their bids in an amount not less than 10% of the bid. The checks of unsuccessful bidders will be returned.

The successful bidder will have the choice of making payment of the balance remaining after the down payment by one of the following two methods:

1. Payment in full of the balance no later than October 24, 1983, or
2. Payment of the remaining balance in not less than equal annual installments for not to exceed 5 years, with principal and interest payable annually in advance at the rate of 8% per annum on the unpaid balance, by certified check or cashier's check payable to the State Treasurer on or before June 1 of each year.

For details and bid forms contact:

Real Estate Management Division
Department of Administration, G-22
50 Sherburne Avenue
St. Paul, Minnesota 55155
Tele: (612) 296-6674

Department of Agriculture Agronomy Services Division

Notice of Special Local Need (SLN) Registration for "Copper Sulfate"

Pursuant to Minnesota Statutes, section 18A.23, and 3 MCAR, § 1.0338 B., the Minnesota Department of Agriculture (MDA), on June 2, 1983, issued a Special Local Need (SLN) Registration for Copper Sulfate, manufactured by Tennessee Chemical Company, Atlanta, Georgia.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration permits the use of this product in an aquatic environment to control snails and leeches.

The application and other data required under Minnesota Statutes, sections 18A.22, subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B, relative to this registration (identified as SLN No. MN83-0008) is on file for inspection at:

Minnesota Department of Agriculture
Agronomy Services Division
Pesticide Control Section
90 West Plato Boulevard
St. Paul, Minnesota 55107
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written

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objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minnesota Statutes, Chapter 15, for the purpose of revoking, amending, or upholding this registration.

June 2, 1983

Jim Nichols, Commissioner
Department of Agriculture

Department of Energy, Planning and Development

Notice of Proposed Final Statement for Allocation of Small Cities Development Block Grant Funds under the Housing and Community Development Act of 1974, as Amended, and Notice of Public Hearing

Notice is hereby given that the department proposes to submit the following Final Statement to the U.S. Department of Housing and Urban Development as required by the Housing and Community Development Act of 1974, as amended.

A public hearing will be conducted by the Office of Local Government on July 12, 1983 at 1:00 p.m. in Room D, Fifth Floor, of the Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155, to receive comments on the Final Statement.

Written statements must be received on or before July 13, 1983.

Robert F. Benner
Assistant Commissioner

Final Statement as Proposed

Federal fiscal year 1984 Community Development Block Grant funds made available to the state for distribution to non-entitlement areas will be distributed in accordance with administrative rules adopted at 10 MCAR §§ 1.500-1.565. These rules are the same as those under which fiscal year 1983 funds were administered.

The text of said rules follows:

10 MCAR § 1.500 Small cities community block grant program; general provisions.

A. Purpose of these rules. Rules 10 MCAR §§ 1.500-1.565 give procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Energy, Planning and Development under United States Code, title 42, sections 5301-5136 (1981), and regulations adopted in Code of Federal Regulations, title 24, part 570.

B. Objective of the program. The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

1. benefit low- and moderate-income persons;
2. prevent or eliminate slums and blight; or
3. alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

C. Definitions. As used in 10 MCAR §§ 1.500-1.565, the following terms have the meanings given them.

1. "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

2. "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

3. "Eligible activities" means those activities so designated in United States Code, title 42, section 5305 (1981) and as described in Code of Federal Regulations, title 24, sections 570.200-570.207 (1981).

4. "General purpose local government" means townships as described in Minn. Stat. ch. 365; cities as described in Minn. Stat. chs. 410 and 412; and counties.

5. "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

6. "Grant close-out" means the process by which the office determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

7. "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under United States Code, title 42, sections 5301-5316 (1981), and includes the period of time during which the office solicits applications and makes grant awards.

8. "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

9. "Low and moderate income" means income which does not exceed 80 percent of the median income for the area, with adjustments for smaller and larger families.

10. "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under United States Code, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

11. "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

12. "Office" means the Office of Local Government in the Department of Energy, Planning and Development.

13. "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

14. "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to Minn. Stat. § 275.53, subd. 2, by a population estimate made by the Metropolitan Council, or by the population estimate of the state demographer made under Minn. Stat. § 4.12, subd. 7, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

15. "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

16. "Program" means the community development block grant program for nonentitlement areas.

17. "Program area" means a defined geographic area within which an applicant has determined that, based on community plans or other studies, there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

18. "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

19. "Project" means one or more activities designed to meet a specific community development need.

20. "Regional or community development plans" means written documents, resolutions, or statements which describe goals, policies, or strategies for the physical, social, or economic development of a neighborhood, community, or substate area. Regional or community development plans include comprehensive plans and elements of comprehensive plans, including land use plans, which have been approved by the governing boards of townships, counties, or cities, and also include regional development plans adopted under Minn. Stat. § 462.381, where applicable.

21. "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in Minn. Stat. § 462.421 or which are characterized by the conditions used to describe redevelopment districts in Minn. Stat. § 273.73, subd. 10.

22. "Single purpose project" means one or more activities designed to meet a specific community development need.

23. "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under United States Code, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development.

10 MCAR § 1.505 Types of grants available.

A. Single purpose grants. The office shall approve grants for single purpose projects for funding from a single grant year. The office shall place single purpose grant applications in one of the following categories for purposes of evaluation:

1. housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families;

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2. public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community; or

3. economic development projects which include one or more activities designed to create new employment, maintain existing employment, or otherwise increase economic activity in a community.

B. Comprehensive grants. The office shall approve comprehensive grants for two or more projects which constitute a comprehensive program. Comprehensive grants shall be approved for funding from one, two, or three grant years. In the case of grants approved for funding from more than one grant year, the office shall make funds available to the grant recipient in the second or third year only after the recipient submits an approved application. Approval shall be subject to a finding by the office that the grant recipient has made normal progress and is in compliance with 10 MCAR §§ 1.500-1.565.

C. Previous grant commitments. The provisions of B. apply to three-year comprehensive grant commitments made by the United States Department of Housing and Urban Development in 1981 under United States Code, title 42, section 5306 (1980).

10 MCAR § 1.510 Application process and requirements.

A. Grant application manual. The office shall prepare a manual for distribution to eligible applicants no later than 120 days before the application closing date. The manual must instruct applicants in the preparation of applications and describe the method by which the office will evaluate and rank applications. If 10 MCAR §§ 1.500-1.565 are not adopted before September 15, 1982, the 120-day period is waived for the 1983 grant year but the office shall make the manual available no later than 60 days before the application closing date.

B. Eligibility requirements. Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under United States Code, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may apply for only one grant per grant year and no eligible applicant shall be included in more than one application.

C. Disqualification of applicants. Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these rules or awarded by the Department of Housing and Urban Development under United States Code, title 42, section 5306 (1981), it is determined by the office that any of the following conditions exist:

1. there are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

2. previously approved projects have passed scheduled dates for grant close-out and the grantee's ability to complete the project in an expeditious manner is in question; or

3. the applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

D. Contents of application. The contents of the application must be consistent with the informational requirements of 10 MCAR §§ 1.500-1.565 and must be on a form prescribed by the office. The application must be accompanied by:

1. an assurance, signed by the chief elected official, that the applicant will comply with all applicable state and federal requirements;

2. an assurance signed by the chief elected official certifying that at least one public hearing was held at least ten days but not more than 30 days before submitting the application; and

3. a copy of a resolution passed by the governing body approving the application and authorizing execution of the grant agreement if funds are made available.

The office may request additional information from the applicant if it is necessary to clarify and evaluate the application.

E. Time limit for submitting applications. Applications must be received in the office or postmarked by the closing date. The office shall give notice of the period during which applications will be accepted. The notice must be published in the *State Register* at least 120 days before the closing date.

F. Regional review. The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with Minn. Stat. § 462.391, subd. 3, or Minn. Stat. § 473.171, respectively.

10 MCAR § 1.515 Evaluation of applications; in general. All applications shall be evaluated by the office. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria in accordance with the percentages and fractions indicated in 10 MCAR §§ 1.520-1.545.

10 MCAR § 1.520 Comparison of all applications; general competition.

A. Points available. Thirty percent of the total available points shall be awarded by the office based on a general competition involving a comparison of all applications.

B. Evaluation of community need. Two-thirds of the points in the general competition shall be awarded based on evaluation of community need, which shall include:

1. the number of poverty persons in the area under the applicant's jurisdiction;
2. the percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and
3. the per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

C. Evaluation of other factors. One-third of the points in the general competition shall be awarded based on evaluation of:

1. the extent to which the proposed activities are compatible with regional or community development plans; and
2. adequacy of the applicant's management and financial plan.

10 MCAR § 1.525 Comparison of applications within categories. After completing the general competition described in 10 MCAR § 1.520, the office shall place each application in the appropriate grant category in accordance with 10 MCAR § 1.505. The categories are housing projects, public facilities projects, economic development projects, and comprehensive programs. Seventy percent of the total points available for each application shall be awarded based on a comparison of the applications within each of the categories as further described in 10 MCAR §§ 1.530-1.545.

10 MCAR § 1.530 Evaluation of housing projects.

A. Project need. Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

1. housing units which are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;
2. an inadequate supply of affordable housing for low- or moderate-income persons; or
3. other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

B. Project impact. Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will eliminate or reduce the need for improvements or additions to the housing stock serving low- and moderate-income persons.

C. Project cost-effectiveness. One-seventh of the points available in the housing category competition shall be awarded by the office based on:

1. evaluation of the extent to which the proposed activities will make cost-effective and efficient use of grant funds including coordination with, and use of, funds from other public and private sources; and
2. evidence that the cost of the proposed activities per benefiting household is reasonable.

10 MCAR § 1.535 Evaluation of public facilities projects.

A. Project need. Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

B. Project impact. Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under A., and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

C. Project cost-effectiveness. One-seventh of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will make cost-effective and efficient use of grant funds, including consideration of:

1. the extent to which the requested grant funds are necessary to finance all or a portion of the costs;
2. evidence that the cost of the proposed activities per benefiting household or person is reasonable; and

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3. the extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

10 MCAR § 1.540 Evaluation of economic development projects.

A. Project need. Three-sevenths of the points available in the economic development category competition shall be awarded by the office based on evaluation of the applicant's need for economic development assistance, as evidenced by:

1. long-term employment problems;
2. unusual dependence on a small number of industries or employers; or
3. other documented conditions which give evidence of ~~the~~ reasonable need for economic development assistance.

B. Project impact. Three-sevenths of the points available in the economic development category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will benefit low- and moderate-income persons and will reduce or eliminate the need identified under A., and shall include consideration of:

1. the immediacy of the project's impact;
2. the beneficial effect on personal income in the area;
3. the extent to which the proposed activities are reasonably expected to result in long-term improvement in the economic base of the area; and
4. the number and quality of permanent jobs created or maintained.

C. Project cost-effectiveness. One-seventh of the points available in the economic development category competition shall be based on evaluation of the extent to which the proposed activities will make cost-effective and efficient use of grant funds, including consideration of:

1. the cost per job created or maintained;
2. coordination with, and use of, other public and private funds; and
3. the economic viability of any business being assisted.

10 MCAR § 1.545 Evaluation of comprehensive program projects.

A. Program need. Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of need for the proposed comprehensive program, including consideration of:

1. the number of low- and moderate-income persons in the program area;
2. the percentage of residents in the program area which are of low or moderate income; and
3. the need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

B. Program impact. Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under A., and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

C. Program cost-effectiveness. One-seventh of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost-effective and efficient use of grant funds, including consideration of coordination with, and use of, funds from other public and private sources.

10 MCAR § 1.550 Determination of grant awards.

A. Funds available for grants. The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the State under United States Code, title 42, section 5306 (1981), after subtracting an amount for costs incurred by the office for administration of the program, as allowed by that law. The office is not liable for any grants under 10 MCAR §§ 1.500-1.565 until funds are received from the United States Department of Housing and Urban Development.

B. Division of funds.

1. Of the funds available for grants in each grant year, 45 percent shall be reserved by the office to fund single purpose grants, and 55 percent shall be reserved by the office to fund comprehensive grants, including the second and third years of comprehensive grants approved for funding under 10 MCAR § 1.505 B. and C., and 10 MCAR § 1.545. However, the office may modify the proportions of funds available for single purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

2. At least 20 percent of the funds made available for single purpose grants shall be awarded for applications in each of the three categories: housing, public facilities, and economic development. However, no application with a rating below the median score for its category shall be funded by the office solely for the purpose of meeting this requirement.

C. Funding list. Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to 10 MCAR §§ 1.515-1.545. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the highest score in the general competition shall receive the higher ranking on the list.

D. Approval by commissioner. The list of applications recommended for funding, including recommended grant awards, shall be submitted by the office to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

E. Reduction in amount requested. The office may recommend an application for funding in an amount less than requested if, in the opinion of the office, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

F. Grant ceilings. No single purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$700,000 from any single grant year or for more than a total of \$1,400,000 over three grant years.

10 MCAR § 1.555 Grant agreements.

A. Grant contract required. A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

B. Contents of grant contract. The grant contract must include:

1. a work program which indicates completion dates for major parts of the project and a projected budget supporting the work program;
2. a description of the manner in which payments will be made to grant recipients with the condition that five percent of the grant award will not be paid until successful completion of all activities in the work program; and
3. assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or regulations for which the state is made responsible for enforcement in Code of Federal Regulations, title 24, sections 570.495 and 570.496.

C. Use of program income. Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for project-related costs within 12 months from the time it is earned. The office shall reduce future grant payments by the amount of any unobligated program income which an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed.

D. Grant account required. Grant recipients must establish and maintain separate accounts for grant funds. In accordance with Code of Federal Regulations, title 24, section 570.494, clause 4, interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States Treasury.

E. Restrictions on use of funds. No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the office will take whatever action is necessary to recover improperly spent funds.

F. Suspension of payments. The office shall suspend payments of funds to grant recipients which are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

G. Amendments to the agreement. Amendments to the grant agreement must be in writing.

10 MCAR § 1.560 Record keeping and monitoring.

A. Financial records. Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the office under the responsibilities it assumes under Code of Federal Regulations, title 24, section 570.497, clause b. Financial records, supporting documents, statistical records, and all other records pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

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B. Audits. Grant recipients must arrange for and pay for an audit before grant close-out. Audits will usually be done annually, but no less frequently than every two years. In the case of two- and three-year comprehensive programs, the office shall require an audit after two years; costs incurred pursuant to this requirement are eligible under this program.

C. Financial status report. Grant recipients shall file financial status reports at the close of each reporting period as designated by the office and shall file a final financial report before grant close-out. Financial status reports must be on forms prescribed by the office. The office may not require these reports more often than quarterly.

D. Performance report. Grant recipients shall also file performance reports at the close of each reporting period as designated by the office and shall file a final performance report before grant close-out. Performance reports shall be on forms prescribed by the office. The office may not require these reports more often than quarterly.

E. Access to records. Representatives of the office, either the State Auditor or Legislative Auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, reports, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with 10 MCAR §§ 1.500-1.565.

10 MCAR § 1.565 Application of federal law. If it is determined that any provisions of 10 MCAR §§ 1.500-1.560 are inconsistent with federal law, then federal law controls to the extent necessary to eliminate the conflict.

Department of Natural Resources

Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Clay County

Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1980) will be held in the District Court Room, Courthouse, Moorhead, MN, on July 26, 1983, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Marvin Dauner, Rural Route, Hawley, MN 56549, Department of Natural Resources representative Merlyn Wesloh, 2115 Birchmont Beach Road N.E., Bemidji, MN 56601, and County Soil and Water Conservation District representative Haaken Johnson, R.R. 2, Hawley, MN 56549.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1980). Please take notice that waters listed in para. A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

A. PUBLIC WATERS.

1. Watercourses.

<u>Name</u>	<u>Section</u>	<u>From</u> <u>Township</u>	<u>Range</u>	<u>Section</u>	<u>To</u> <u>Township</u>	<u>Range</u>
None.						

2. Preliminarily designated under section 105.37, subds. 14(a)-14(h).

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
14-44 : Anfinson Lake	4, 5; 33	138; 139 (Parke; Eglon)	44
14-50 : Unnamed	SW 11	139 (Eglon)	44
14-63 : Overson Lake	25, 26, 35, 36	139 (Eglon)	44
14-65 : Burke Lake	SE 28	139 (Eglon)	44
14-67 : Jegtvig Lake	33	139 (Eglon)	44
14-71 : Ness Lake	1, 2; 35, 36	138; 139 (Parke; Eglon)	44
14-91 : Buhaug & Hartke Lake	NW 1; 31	140; 141 (Cromwell; Goose Prairie)	45; 44
14-92 : Tatlie Lake	31; 25, 36	141 (Goose Prairie; Keene)	44; 45
14-100: Silver Lake	23, 26	139 (Hawley)	45
14-107: Unnamed	34	141 (Keene)	45
14-187: Unnamed	4, 9	140 (Highland Grove)	44
14-271: Unnamed	24, 25	139 (Hawley)	45

14-275:	Unnamed	NE 35	139 (Hawley)	45
14-276:	Unnamed	1; 31	140; 141 (Highland Grove; Goose Prairie)	44
14-297:	Unnamed	26, 27	141 (Keene)	45
*14-318:	Rollag WPA	NW 3; SW 34	137; 138 (Tansen; Parke)	44
*14-319:	Hawley WPA	SE 12; SW 7	138 (Parke; Skree)	44; 45
*14-320:	Tatie WPA	NE 1; SE 36	140; 141 (Cromwell; Keene)	45
*14-321:	Hotsie WMA	NW 5; SE 32, SW 33	140; 141 (Cromwell; Keene)	45
*14-323:	Hitterdal WPA	5 (Center)	140 (Highland Grove)	44
*14-324:	Flickertail Prairie WPA	N 1/2 & SW 3; SE 34, W 1/2 35	141; 142 (Keene; Hagen)	45
*14-325:	Flickertail Prairie WPA	S 1/2 35	142 (Hagen)	45
*14-326:	Gjerve WPA	NE 9	141 (Goose Prairie)	44
*14-327:	Flowing WPA	NW & SE 22	141 (Flowing)	46
*14-328:	Flowing WPA	NE 22	141 (Flowing)	46
*14-330:	Carlson WPA	S 1/2 13	139 (Hawley)	45
*14-331:	Fuglie WPA	SW 30	142 (Ulen)	44
*14-332:	Fuglie WPA	NW 31	142 (Ulen)	44
*14-333:	Lee Lake WPA	NE 15	139 (Eglon)	44
*14-335:	Rollag WPA	NE SE 33	138 (Parke)	44

B. WETLANDS

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
+14-23 : Hovelsrud Lake	11, 14	138 (Parke)	44
14-46 : Backman Lake	SW 2	139 (Eglon)	44
14-66 : Unnamed	28	139 (Eglon)	44
14-68 : Unnamed	NE 33, 34	139 (Eglon)	44
14-132: Unnamed	10	139 (Eglon)	44
14-134: Unnamed	26	141 (Goose Prairie)	44
14-144: Unnamed	12	139 (Hawley)	45
14-163: Unnamed	5	141 (Goose Prairie)	44
14-206: Unnamed	31, 32	140 (Highland Grove)	44
14-208: Unnamed	10	139 (Eglon)	44
14-268: Unnamed	9, 16	139 (Hawley)	45
14-273: Unnamed	36	139 (Hawley)	45
14-284: Unnamed	25	140 (Cromwell)	45
*14-322: Unnamed	SW 10	140 (Highland Grove)	44
*14-334: Unnamed	NW 36	140 (Cromwell)	45

* petitioned to be added.

+ late petition.

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69 (1982).

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

OFFICIAL NOTICES

Sandra M. Fecht
DNR—Division of Waters
Third Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-2401

June 21, 1983

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources Commissioner's Order No. 2148

Amending Commissioner's Order No. 1938, Regulating the Destruction and Control of Aquatic Plants

Pursuant to Laws of Minnesota 1983, chapter 301, section 22, the fees established by Commissioner's Order No. 1938, regulating the destruction and control of aquatic plants, are doubled effective July 1, 1983. In addition, Laws 1983, chapter 301, section 22, requires that notice of the revised fees be published in the *State Register* as soon as practicable. Therefore, in compliance with these statutory requirements, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby amend Commissioner's Order No. 1938 and publish notice of the revised fee schedule as follows:

Section 1. Section 2 of Commissioner's Order No. 1938 is amended by Laws 1983, chapter 301, section 22, to read as follows:

Sec. 2. PERMIT FEES.

a. Fees to Accompany Permit Applications.

(1) A permit fee, in the form of a check or money order payable to the State Treasurer, shall accompany each permit application when required by the fee schedule.

(2) If the fee does not accompany the application, the applicant will be so notified and no further action will be taken on the application until the proper fee is received.

(3) The fee is not returnable, whether the application is permitted, modified, denied, or withdrawn unless the Commissioner determines the activity does not require a permit.

(4) Application Fee Schedule.

(aa) To control rooted vegetation by chemical means: \$10.00 plus \$0.20 per shoreline foot of the proposed treatment area. Maximum \$100.00.

(bb) To control vegetation in an area larger than 2,500 square feet by cutting or pulling: \$10.00.

(cc) To gather or harvest aquatic plants or plant parts, other than wild rice: no charge.

(dd) To transplant aquatic plants into other Minnesota public waters: no charge.

(ee) To control chara, filamentous algae, snails (swimmer's itch), and leeches: \$2.00 per 100 shoreline feet or portion thereof proposed to be treated. Maximum \$100.00.

(ff) To control algae by lakewide application of copper sulfate or other approved algicide: \$10.00 plus \$0.20 per acre to be treated. Maximum \$100.00.

(gg) When application is made to control two or more nuisance conditions, only the larger fee shall apply.

b. Fees for Inspection, Supervision and Monitoring.

(1) If field inspection, supervision, or monitoring is required, the applicant or permittee shall be charged \$30.00, providing the Commissioner has first notified the applicant of the potential fee, and the applicant has indicated he wishes to continue the application. There will be no more than one such charge per application. This fee is not refundable for any reason.

(2) Supervision by a Department of Natural Resources employee will normally be required for initial lakewide treatment of excessive algae blooms by inexperienced permittees and will also be required at intervals for such treatments by experienced groups.

(3) Field inspection will normally be made in cases of new applications for chemical treatment of areas one acre or larger in size. Field inspection of other areas will also be required at intervals to determine if conditions have changed.

c. Fees for State Agencies.

The fees established in these regulations shall not be required of any state agency as defined in Minnesota Statutes, Section 15.01, or of any federal agency.

Except as provided in this order, all provisions of Commissioner's Order No. 1938 shall remain in full force and effect.

Dated at Saint Paul, Minnesota, this 16th day of June, 1983.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources Fish and Wildlife Division

Notice of Intent to Solicit Outside Opinion in the Matter of the Proposed Adoption of Rules Designating Species of Wild Animals and Plants as Endangered, Threatened or of Special Concern

Minnesota Statutes section 97.488 provides that the Department of Natural Resources shall adopt rules designating species of wild animals and plants as endangered, threatened or of special concern. With the aid of a technical advisory committee, also provided for by statute, the DNR has compiled the required lists. Before proposing the adoption of these lists as a rule, the DNR seeks further information and opinion from outside the agency concerning the status of any wild animal or plant species.

You may submit information or comments, orally or in writing, concerning the subject matter of the proposed rules to:

Barbara Coffin
Division of Fish and Wildlife
Department of Natural Resources
Box 6 Centennial Office Building
St. Paul, MN 55155
(612) 296-4284

The Department will accept information and comment through August 15, 1983. Written material will become part of the record of the rules proceedings.

Department of Public Welfare Department of Health Department of Public Safety

Merit System

Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Public Welfare (12 MCAR), the Minnesota Department of Health (7 MCAR) and the Minnesota Department of Public Safety (11 MCAR) are considering proposed amendments to those rules affecting their compensation plans and salary schedules.

If adopted, these rule changes will alter the salaries paid to those employees in agencies under the jurisdiction of the Merit System which have not negotiated a compensation plan with the exclusive representative for a bargaining unit.

The proposed rule changes are:

12 MCAR §§ 2.840 and 2.494
7 MCAR §§ 1.314 and 1.239
11 MCAR §§ 1.2140 and 1.2094

All interested or affected persons are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

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Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3996.

All statements of information and comment must be received by July 18, 1983. Any written material received by the department shall become part of the hearing record. The Notice of Hearing on all of the above mentioned rules will be published in the *State Register* in August.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules and amendments, must register with the Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The Ethical Practices Board is located in Room 41, State Office Building, St. Paul, Minnesota 55155.

Department of Public Welfare Income Maintenance Bureau Health Care Programs Division Support Services Bureau Long-term Care Rates Division

Public Notice Regarding Changes in Minnesota's Medical Assistance Program

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of changes to be made in the covered services and statewide methods and level of reimbursement for Medical Assistance services. These changes are the result of legislation passed by the Minnesota State Legislature during the 1983 session. These legislative changes are found in Laws of Minnesota 1983, Chapter 199 and Chapter 312.

Information on implementation of these provisions will be sent as needed to local welfare agencies via Instructional and Information Bulletins, to MA recipients via their MA cards, and to health care providers enrolled in the Medical Assistance Program via Provider Bulletins. Copies of these materials may be reviewed at the county welfare or social services department. Written comments and questions on long term care rate setting and admission practices may be addressed to:

Long Term Care Rates Division
Fourth Floor Centennial Office Building
St. Paul, Minnesota 55155
Phone: 612/297-3583

Comments and suggestions received from the public may be viewed at the same address during normal working hours.

Written comments on all other MA issues may be sent to:

Health Care Program Policy Section
P.O. Box 43170
St. Paul, Minnesota 55164

Comments and suggestions received from the public concerning other MA issues may be reviewed during normal business hours at:

Health Care Program Policy Section
First Floor, Space Center
444 Lafayette Road
St. Paul, Minnesota 55101

This notice is being published pursuant to federal regulations which govern administration of the Medical Assistance Program, 42 C.F.R. § 447.205 (1981). Estimated program expenditures are total state, federal and county dollars for the period July 1, 1983 through June 30, 1985.

I. CONDITIONS FOR NURSING HOME PARTICIPATION

Laws of Minnesota, Chapter 199, which becomes effective on July 1, 1983, amended Minnesota Statutes, Section 256B.48, in order to:

- Allow nursing home residents or their representatives to sue for treble damages for violations to the 1978 equal rate law. The 1978 law specifies that a nursing home is not eligible to receive Medical Assistance payments unless it refrains from changing private paying residents more than those rates which are approved by the state agency for Medical Assistance recipients.
- Prohibit nursing homes from requiring that any applicant or the applicant's guardian or conservator assure that the applicant is neither eligible for nor will seek public assistance for payment of nursing home care costs.
- Prohibit nursing homes from requiring any vendor of medical care to apply any portion of his fee to the nursing home except as payment for renting or leasing space or equipment, or purchasing support services.
- Prohibit homes from refusing, for more than 24 hours, to accept a resident returning to his/her same bed or a bed certified for the same level of care, in accordance with a physician's order authorizing transfer, after receiving inpatient hospital services.

Estimated effect on MA expenditures: Insignificant

II. RATE SETTING FOR NURSING HOMES**Policy Change**

Minnesota Session Laws, Chapter 199 which becomes effective on July 1, 1983 introduces a number of changes in the rate setting method for nursing homes. On July 1, 1983, the Department of Public Welfare will set rates for all nursing homes pursuant to the rate setting method prescribed by the law. The changes include:

- A. The nursing homes' rate year will be the period from July 1 to June 30 of the following year. This is the period for which the payment rate is effective.
- B. The nursing homes' reporting year will be the period from October 1 to September 30 of the following year. This is the period for which nursing homes must submit cost reports and other financial information to the Department so that the prospective payment rate effective each July 1 can be determined. Reports covering this period must be received in the Department by December 31 each year.
- C. For the rate year beginning July 1, 1982, the Department will use existing reports which were received in the Department by December 31, 1982 and audited by March 1, 1983 as the basis for computing the payment rate. The first year computations are further explained below.

Operating Costs

A. Operating cost categories include nursing, dietary, laundry, housekeeping, maintenance, general and administrative, payroll taxes, and fringe benefits. The new law imposes a percent limit on the allowable general and administrative costs. General and administrative costs includes all allowable costs for administering the facility including the following:

1. Salaries of administrators, assistant administrators, medical directors, accounting personnel, data processing personnel, and all clerical personnel.
2. Board of director fees, business office function and supplies, travel, telephone and telegraph, advertising, licenses and permits, membership dues and subscriptions, postage, insurance (exempt as included as a fringe benefit).
3. Professional services such as legal, accounting, and data processing services.
4. Central or home office costs; management fees; management consultants; employee training for any top management personnel, and for other than direct resident care-related personnel; and business meetings and seminars.

B. Under the new law, general and administrative costs cannot be allocated to other cost categories and are subject to a percent limit. The law also specifies that fringe benefits, payroll taxes, and certain classes of employee training will be removed from general and administrative costs in computing these limits.

The general and administrative costs exclusive of fringe benefits, payroll taxes, and direct care training, are limited to the following percent of operating costs after the general and administrative costs have been taken out:

1. 10 percent for homes with more than 100 certified beds;
2. 12 percent for homes with 41 through 100 beds;
3. 14 percent for homes with 40 or fewer certified beds in total; and

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4. Convalescent and nursing care units are limited to 15 percent for the rate year beginning July 1, 1983 and to the limits in 1 to 3 above in subsequent years.

C. For the rate year beginning on July 1, 1983, after the general and administrative limits are applied, a nursing home's allowed historical operating cost shall be updated using a 9 percent annual rate of increase from the fiscal year end in the provider's most recent cost report received by December 31, 1982 and audited by the Department of Public Welfare by March 1, 1983. A 9 percent annual increase translates to a monthly increase of 0.75 percent.

In developing the operating cost per diem, the Department will continue to recognize the lesser care day adjustment if it is applicable.

Nursing homes will continue to be grouped by region and level of care. For the rate year beginning July 1, 1983, metro and non-metro groups are designated in the same way Rule 49 established those groups.

Once updated, the facility's actual allowable historical operating cost per diems shall be ranked by groupings in order to compute the 60th percentile for each group.

1. Within each group, facilities above the 60th percentile shall receive the 60th percentile increased by 6 percent, plus 80 percent of the difference between its actual allowable operating cost per diem and the 60th percentile.

2. Within each group, facilities at or below the 60th percentile shall receive their actual allowable historical operating cost per diem, increased by 6 percent.

D. For the rate year beginning on July 1, 1984, the Department will analyze each nursing home's cost report submitted for the reporting year ending on September 30, 1983 in order to establish the actual allowable historical operating cost per diem. The lesser care day adjustment, if applicable, will be recognized by the Department.

1. Within each group, nursing homes above the 60th percentile shall receive the 60th percentile increased at an annual rate of 6%, plus 75% of the difference between its actual allowable historical operating cost per diem and the 60th percentile.

2. With each group, nursing homes below the 60th percentile shall receive the actual allowable historical operating cost per diem increased at an annual rate of 6%.

E. For the rate years beginning July 1, 1985, the Department of Public Welfare will implement a new rate setting system that addresses the mix of resident needs in each nursing home.

F. Until groups are established according to mix of resident care needs, nursing homes licensed on June 1, 1983 by the commissioner to provide residential services for the physically handicapped and nursing homes that have an average length of stay of less than 180 days will not be included in the calculation of the 60th percentile of any group. For rate year beginning July 1, 1983 and July 1, 1984, each of these nursing homes will receive their actual allowed historical operating cost per diem increased by six percent. The commissioner will also apply to these nursing homes the percentage limitation on the general and administrative cost category.

Property Taxes and Special Assessments

The Commissioner shall include the actual real estate taxes and special assessments as an operating cost of the facility. The total real estate tax liability and actual special assessments paid for each nursing home shall be divided by actual resident days to determine the payment rate for this cost category, but shall not be used to compute the 60th percentile.

Property Related Costs

A. For the rate years beginning on July 1, 1983 and July 1, 1984 property-related costs shall be reimbursed to each nursing home at the level recognized in the most recent cost report received by December 31, 1982 and audited by March 1, 1983.

Property-related costs include depreciation, interest, earnings or investment allowance, lease or rental payments. The total property-related costs include historical property costs and known cost changes for property-related expenses. For purposes of determining the property-related cost per diem, the Department assumes known cost changes were incurred. Adjustments to property-related costs shall not be made as a result of sales or reorganization.

Adjustments may be made for the cost of repairs, replacements, betterments or improvements to existing buildings and building service equipment if:

1. The cost is reasonable, necessary and ordinary.

2. The net cost is greater than \$5,000, where "net cost" means actual cost, minus proceeds from insurance, salvage or disposal.

3. The nursing home's property-related costs per diem is equal to or less than the average property-related costs per diem within its group.

4. The adjustment is shown in depreciation schedules submitted to and approved by the Commissioner of Public Welfare.

Each nursing home's property-related cost payment rate is computed by dividing the total allowable property-related costs by 96 percent of the nursing home's licensed capacity days for homes with more than 60 beds and by 94 percent for homes with 60 or fewer beds.

In accordance with the law, the property-related per diem figure is adjusted to reflect any rate limitations in effect prior to the effective date of the law.

B. For rate years beginning on July 1, 1985, the Department will implement a property-related cost reimbursement formula based on a rental concept.

Payment Rate

The payment rate is effective from July 1 through June 30 of the following year and is the sum of the operating cost payment rate, real estate tax payment rate, and the property-related cost payment rate.

Special Rates

A newly-constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly-constructed nursing homes which are not included in the calculation of the 60th percentile for any group, the commissioner will establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate will not be in effect for more than 17 months.

Appeals

Effective July 1, 1983, a rate setting decision by the commissioner may be appealed by a nursing home or a county welfare or human services board where all of the following conditions are met:

A. Scope of Appeals:

1. the appeal, if successful, would result in a change to the nursing home's payment rate;
2. the appeal arises from application of the rate setting method; and
3. the dispute over the decision cannot be resolved informally between the Commissioner and the appealing party.

Filing of Appeals

B. The filing of the appeal must meet the following criteria:

1. The nursing home shall notify the Commissioner, in writing of its intent to appeal within 30 days after the Commissioner issues the payment rate notification which is being appealed.
2. The appeal must be filed, in writing, within 60 days after the Commissioner issues the payment rate notification which is being appealed.
3. The appeal shall specify:
 - a. each disputed item and the reason for the dispute;
 - b. the computation and the amount that the nursing home believes to be correct;
 - c. an estimate of the dollar amount involved in each disputed item;
 - d. the authority in statute or rule upon which the nursing home is relying in each dispute; and
 - e. the name and address of the person or firm with whom contacts may be made regarding the appeal.

C. Resolution of appeal. The appeal shall be heard in accordance with the contested case provisions set forth in Minnesota Statutes, chapter 14 and rules of the Office of Administrative Hearings. Upon agreement of both parties, the dispute may be resolved informally through settlement or through modified appeal procedures established by agreement between the Commissioner and the chief hearing examiner.

D. Payment rate during appeal period. The payment rate established by the Commissioner shall be the rate paid to the nursing home while the appeal is pending.

Estimated decrease in MA expenditures: \$128,500,000

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III. REIMBURSEMENT METHODS

- The four percent reduction in MA payments in effective since January 1, 1983 will end June 30, 1983 as announced in the *State Register* of December 27, 1982.

- For the biennium ending June 30, 1985, the annual increase in any cost per service unit shall not exceed five percent for all MA providers, except Skilled Nursing Facilities (SNF), Intermediate Care Facilities (ICF) and certified boarding care homes (ICF-II).

Estimated decrease in MA expenditures: \$41,303,000.

- Allowable payments continue to be limited to the 50th percentile of the usual and customary fees based upon MA billings during calendar year 1979 for physician services; dental care; vision care; podiatric services; chiropractic care; physical, occupational and speech therapy; audiologists; mental health centers; psychologists; public health clinics and independent lab and x-ray services.

Estimated effect on MA expenditures: Insignificant—same as previous year.

- The reimbursement rate for personal care attendants increases to \$5.40 per hour up to a maximum of \$1,080.00 per month for services provided on or after July 1, 1983.

Estimated increase in MA expenditures: \$764,000

- For services provided on or after July 1, 1983, hospital outpatient departments will be subject to the same limitations and reimbursements as other enrolled vendors for all services except initial triage, emergency services, and services not provided or immediately available in clinics, physician's offices or by other enrolled providers.

Estimated decrease in program expenditures: \$6,754,000

IV. COVERED SERVICES

- Certain nutritional products needed for the treatment of phenylketonuria; hyperlysinemia; maple syrup urine disease; a combined allergy to human milk, cow milk and soy formula; or any other childhood or adult disease or condition as approved by the Department; will be covered by MA effective June 10, 1983, for persons who do not reside in long term care facilities. Prior authorization for nutritional products must be obtained from the Department. Determination of the additional covered drugs and any prior authorization requirements will be published at a later date in the Department's drug formulary.

Estimated effect on program expenditures: Insignificant.

- Effective July 1, 1983, inpatient chemical dependency treatment in a hospital or nursing home is limited to 30 days per calendar year unless prior authorization for additional coverage is received from the Department of Public Welfare.

Estimated effect on program expenditures: Insignificant.

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. **Application deadline is July 19, 1983.**

ADVISORY COUNCIL ON WORKERS' COMPENSATION has 4 vacancies open immediately for 2 public members and 2 persons who have received or are currently receiving workers compensation benefits. The council studies workers compensation law and its administration and recommends changes where appropriate. Members are appointed by the Commissioner of Labor and Industry. Monthly meetings are held; members receive \$35 per diem plus expenses. For specific information contact the Advisory Council on Workers' Compensation, Space Center, 444 Lafayette Road, St. Paul 55101; (612) 296-6490.

REHABILITATION REVIEW PANEL has 2 vacancies open immediately for labor representatives. The panel reviews plans and rules, and advises Commissioner of Labor and Industry. Members are appointed by the Commissioner of Labor and Industry. Members receive \$35 per diem plus expenses. For specific information contact the Rehabilitation Review Panel, Space Center, 444 Lafayette Road, St. Paul 55101; (612) 297-2684.

COUNCIL ON BLACK MINNESOTANS has 1 vacancy open immediately for a public member. The council makes recommendations to the Governor and legislature to improve the economic and social conditions of Black Minnesotans; and serves as a referral agency and liaison to federal, state and local governments and private organizations on matters relating to

Blacks. Members are appointed by the Governor. For specific information contact the Council on Black Minnesotans, 504 Rice St., St. Paul 55103; (612) 296-3708.

METROPOLITAN AIRPORTS COMMISSION has vacancies open immediately for the chair and 2 members. Members must be a resident of the appropriate Metropolitan Airports Commission commissioner precinct. The commission promotes air transportation by developing the Twin Cities as an aviation center; coordinates with other aviation facilities in the state to provide economical and effective use of aeronautic facilities and services; and may build new airports or acquire existing airports in the metropolitan area. Members and chairman are appointed by the Governor. Chairman serves at pleasure of governor. Members must file with EPB. Monthly meetings are held; members receive \$50 per diem; the chairman receives \$10,500 per year plus travel expenses. For specific information contact the Metropolitan Airports Commission, 6040 28th Ave. S., Mpls 55450; (612) 726-5770.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION has 1 vacancy open for a public member. The commission makes recommendations on the use, development and protection of the corridor of the St. Croix and Mississippi rivers that forms the interstate border of Minnesota and Wisconsin; and assists the 2 states in federal programs affecting the rivers. Members are appointed by the Governor and terms are staggered. Bi-monthly meetings are held; members are reimbursed for expenses. For specific information contact the Minnesota-Wisconsin Boundary Area Commission, 619 2nd Street, Hudson, WI 54016; (612) 436-7131.

BOARD FOR COMMUNITY COLLEGES has 2 vacancies open immediately. Must be from the 2nd, 4th, or 6th Congressional District, one member must be a graduate of a community college. The board sets rules and policies for management of community college system. Members are appointed by the Governor and confirmed by the Senate, and must file with EPB. Meetings alternate between St. Paul and various community college campuses. For specific information contact the Board for Community Colleges, 301 Capitol Square Bldg., St. Paul 55101; (612) 296-3356.

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION has 11 vacancies open immediately for 1 member from each congressional district; 2 at-large members and 1 student member. Except for the student representative, members may not be receiving compensation or be employed by any public or private post-secondary vocational educational institution. The board has the power to manage post-secondary vocational education. Members are appointed by the Governor and confirmed by the Senate. Terms are staggered. Members receive \$35 per diem plus expenses. For specific information contact the State Board of Vocational Technical Education; Joe Graba, State Director, Room 208 Capitol, St. Paul 55155; (612) 296-4196.

MEDICAL SERVICES REVIEW BOARD has 12 vacancies open immediately for 2 chiropractic members, 1 hospital administrator member, 6 medical practitioner members, 1 employee member, 1 employer member, and 1 public member. The board advises the department on medical matters relating to workers compensation and hears appeals on decisions of the department. Members are appointed by the Commissioner of Labor and Industry. Members receive \$35 per diem plus expenses. For specific information contact the Medical Services Review Board, 444 Lafayette Road, St. Paul 55101; (612) 296-2342.

MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT TASK FORCE has 4 vacancies open immediately for 1 labor representative; 1 business representative; 1 representative of non-profit employers, and 1 employment administrator. The coordinator shall be within the department of economic security and appointed by the Governor. The coordinator shall appoint the non-commissioner members. The task force provides financial assistance for comprehensive job training and related services for economically disadvantaged, unemployed and underemployed individuals through opportunities industrialization centers. Members compensated for expenses. For specific information contact the Minnesota Emergency Employment Development Task Force, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

TRANSPORTATION REGULATION BOARD has 3 vacancies open immediately for public members. The board shall regulate railroads and other common carriers of persons or property for hire. Members are appointed by the Governor and confirmed by the Senate. Terms are staggered. For specific information contact the Transportation Regulation Board, Michael O'Donnell, 7th Floor, American Center Bldg., 160 E. Kellogg Blvd., St. Paul 55101; (612) 296-0035.

WORLD TRADE CENTER COMMISSION has 9 vacancies open immediately for persons knowledgeable in the areas of finance, export business and education. The commission shall study private and public financial commitment required for a Minnesota World Trade Center. Members are appointed by the Governor. For specific information contact World Trade Center Commission, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

MINNESOTA MOTION PICTURE AND TELEVISION ADVISORY COUNCIL has vacancies for 5 members. The council reviews grants to a nonprofit corporation for development of the motion picture and television industry. Members are appointed by the Governor. For specific information, contact John Stout, Fredrikson Law Firm, 4744 IDS Center, Mpls. 55402; (612) 347-7012.

OFFICIAL NOTICES

STATE COMPENSATION INSURANCE FUND has 7 vacancies on the board of directors. Each member of the initial board must be an employer or employee. At least two members of the board must represent private, for profit, enterprises. No member may represent or be an employee of an insurance company. Members are appointed by the Governor and confirmed by the Senate. The board has control and management of the fund created as a nonprofit independent public corporation to insure employers against liability for personal injuries to employees. Members receive compensation as set by the board. For specific information contact the State Compensation Insurance Fund, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL has 13 vacancies. The council advises the commissioner of administration on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. Members are appointed by the Governor. Members receive no compensation. For specific information contact Small Business Procurement Advisory Council, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

EXPORT FINANCE AUTHORITY has 6 vacancies open on the authority's board of directors. Directors are appointed by the Governor and confirmed by the Senate. Must be knowledgeable in international finance, exporting international law. The authority is created to aid and facilitate the financing of exports from Minnesota. Members receive \$35 per diem plus expenses. For specific information contact Commissioner of Agriculture, Jim Nichols, 90 W. Plato Blvd.; St. Paul 55107; (612) 296-9310.

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