

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT of Transportation

Office Memorandum

TO : Hubert H. Humphrey III
Attorney General
Attention: Judith Wehrwein, Legal Assistant

DATE: March 9, 1983

FROM : Richard P. Braun
Commissioner of Transportation

PHONE: 296-3000

SUBJECT: Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR § 1.7025-1.7037).

Transmitted herewith is the complete file of our proceeding in the above entitled matter for your review under the relevant statutes and rules of the State of Minnesota.

Questions concerning this proceeding may be answered by Nancy Moore, 820 Transportation Building, Saint Paul (Telephone: 296-7590). Thank you for your assistance in aiding us in this matter.

Our File No. 843

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-9-83
DATE FOR REVIEW 3-21-83
DATE DUE 3-29-83

Adopted w/a hearing ✓
Adopted w/o hearing
Temporary rule

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved ____ disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 3.22.83 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 3.8.82 + comments

Order for rulemaking not submitted
9.21.82 date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
8.11.82 At least 30 days prior to hearing/~~adoption~~

✓ Mailing list Certificate

✓ Publication in State Register
8.16.82 At least 30/~~20~~ days prior to hearing/~~adoption~~
See HE for comment on timeliness of notice

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
✓ 11.18.82 Approving H.E.'s Report plus additional comments
✓ 2.14.83 Approving agency action in part - but still defective in part
2.25.83 " " " in total.

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

? Notice of Submission to the Attorney General
misstates comment period as 20 days - should be 10 days

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RICHARD P. BRAUN, Commissioner of Transportation DATE: 3/30/83

Attn: JEAN STEPAN, Special Assistant Attorney General

FROM : LARRY D. STARNS LDS PHONE: 297-3493
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Adoption of Ruels of the State Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR § 1.7025-1.7037, All New Material).

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
LDS/las
cc: Ms. Kathy Burek
Mr. Duane Harves

7025

AG copy

Department of Transportation

Adopted Rules Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul

Rules as Adopted

14 MCAR S 1.7025 Definitions.

A. Scope. Definitions of terms in 14 MCAR S 1.7025 apply to 14 MCAR SS 1.7025-1.7037.

B. Appeal. "Appeal" means a request for additional review of an application under 14 MCAR S 1.7037 after the initial application has been denied.

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

D. Disability. "Disability" means physical or mental impairment.

E. Handicapped. "Handicapped" means having a physical or mental impairment which limits one or more major life activities.

F. Mainline bus service. "Mainline bus service" means bus transportation that operates on fixed routes and schedules and is designed to serve the general public.

G. Major life activities. "Major life activities" means functions such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and caring for oneself.

H. Metro Mobility. "Metro Mobility" means the project for coordination of special transportation service in the Twin Cities metropolitan area established under Minnesota Statutes, section 174.31, subdivision 1.

I. Motor vehicle. "Motor vehicle" has the meaning given to it in Minnesota Statutes, section 169.01, subdivision 3.

J. Physical or mental impairment. "Physical or mental impairment" means any physiological disorder or condition; any anatomical loss; any mental or psychological disorder; and specific learning disabilities. The term ~~includes such~~

describes all diseases ~~and conditions as~~ that relate to orthopedic, visual, speech, ~~and~~ hearing ~~impairments;~~, and mental disorders, such as cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; mental retardation; emotional illness; drug addiction; ~~and~~ alcoholism; autism; arthritis; and diabetes.

K. Special transportation service. "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private person, designed to serve ~~only~~ handicapped persons, elderly persons, and others with special transportation needs who are unable to use mainline bus service.

L. Temporary disability. "Temporary disability" means a disability expected to last for less than one year.

M. Trained. "Trained" is a term applied to a person who has acquired the skills to use mainline bus service and is not prevented from doing so by a mental impairment or learning disability.

14 MCAR S 1.7026 Authority, purpose, and scope of rules.

A. Authority. Rules 14 MCAR SS 1.7025-1.7037 are adopted pursuant to the requirements of Minnesota Statutes, section 174.31, subdivision 3, clause (g).

B. Purpose. The purpose of 14 MCAR SS 1.7025-1.7037 is to establish criteria to determine who is eligible for Metro Mobility special transportation services.

C. Scope. Rules 14 MCAR SS 1.7025-1.7037 apply to persons in the Twin Cities area who request transportation services from the Metro Mobility special transportation project.

14 MCAR S 1.7027 Eligibility criteria.

A person who requests Metro Mobility service is eligible for the service if the person is unable to walk ~~or wheel~~ one-fourth mile or more; or unable to walk up and down the steps of a mainline bus; or unable to wait outdoors for ten minutes or more; or unable to use or learn to use mainline bus service because of a mental impairment or learning disability.

A person with temporary disabilities is not eligible for Metro Mobility service. A person having the double limitations of blindness and deafness is automatically eligible. HE 31

14 MCAR S 1.7028 Individual certification number.

An individual certification number shall be issued to an applicant found eligible under the criteria set forth in 14 MCAR S 1.7027. No person may use Metro Mobility service without a current certification number.

14 MCAR S 1.7029 Applications for certification numbers.

Applicants shall request a certification number on forms provided by the commissioner. Application forms may be obtained from the Metro Mobility Transportation Center. All completed applications shall be delivered or mailed to the Metro Mobility Transportation Center. A determination of eligibility shall be made within 30 calendar days of the receipt of the application and all verification information.

14 MCAR S 1.7030 Application forms.

HE 33

A. Information. Applicants shall submit ~~at least~~ the following information on the application form:

1. applicant's signature, certifying that all statements on the application form are true, and the date of signature;

2. applicant's name, address, telephone number, and any medical assistance number;

3. applicant's weight, date of birth, current Metro Mobility certification number, if any;

4. name and telephone number of person to notify in case of emergency;

5. applicant's disability and how it prohibits use of mainline bus service;

6. applicant's current mode of transportation, other than Metro Mobility; and

7. equipment the applicant uses when traveling outdoors, such as wheelchair, braces, orthopedic cane, walker, crutches, artificial limb, or white cane.

HE 33

B. Answers. Applicants shall answer ~~at least~~ the following

(.7031)

questions on the application form, explaining any negative responses to questions 7., 8., or 9.:

1. Is the applicant blind, deaf, or mentally handicapped? If so, has applicant received training in the use of mainline bus service? If applicant has not received training, why not? Would applicant agree to be trained in the use of mainline bus service? If not, why not? If applicant has received training, is applicant able to use mainline bus service? If not, why not?

see HE 36 + FOF

see HE, 27, 28

2. Does the applicant need an attendant or escort when traveling? Explain.

3. Is the applicant's mobility limitation permanent?

4. Does the applicant need Metro Mobility service for all or only part of the year?

5. Does the applicant require a vehicle with a lift or ramp?

6. Does the applicant use a wheelchair? If so, can the applicant use an automobile or taxi?

HE 22

7. Can the applicant walk ~~or wheel~~ for one-fourth mile in snow and in clear weather?

8. Can the applicant wait outdoors for ten minutes, both in temperatures above 32 degrees Fahrenheit and in temperatures below 32 degrees Fahrenheit?

9. Is the applicant able to walk up and down steps of a mainline bus?

14 MCAR S 1.7031 Mental disability form.

A. Answers. An additional mental disability form must be submitted for a person with a mental disability that prohibits use of mainline bus service. Applicants must answer ~~at least~~ the following additional questions:

HE 39

1. Does the applicant become overly anxious in unusual travel situations?

2. Is the applicant able to compare information cards with such things as signs, bus line numbers, and landmarks?

3. Is the applicant able to ask for and understand assistance if lost?

4. Is the applicant able to follow directions and maintain attention to traveling?

5. Is the applicant able to cross streets in heavy traffic?

B. Names and date. The mental disability form must include the name of the applicant, name and relationship to applicant of person completing form, and date of completion.

14 MCAR S 1.7032 Medical verification form.

A. Submitting. It is the applicant's responsibility to obtain a medical verification form and send it to the physician, certified physical therapist, or licensed psychologist most knowledgable regarding applicant's disability. The appropriate physician, certified physical therapist, or licensed psychologist shall complete the form, describing applicant's mobility limitation and explaining how the disability interferes with use of mainline bus service or the ability to learn to use mainline bus service, and submit it to the Metro Mobility Transportation Center. HE 27, 28

B. Exemptions. A medical verification form is not required for persons confined to wheelchairs, or for persons who otherwise because of their disability require lift or ramp service. HE 41

14 MCAR S 1.7033 False information.

Persons who provide false information on the certification form, mental disability form, or verification form shall not be issued an individual certification number for use of Metro Mobility special transportation service. If it is found that certification has been granted on the basis of false information given, individual certification shall be revoked. HE 42

14 MCAR S 1.7034 Winter season certification.

Persons who require special transportation service during the winter months only are eligible to receive Metro Mobility service from November 1 through April 15. Persons who request winter season certification must submit regular Metro Mobility certification application forms. An applicant found eligible

.7035
.7036
.7037

for seasonal certification shall be issued an individual certification number that shows seasonal certification status.

14 MCAR S 1.7035 Conditional certification.

Persons who need temporary special transportation service until trained to use mainline bus service are eligible to receive Metro Mobility service for up to 18 months while receiving training. This conditional certification is dependent upon the applicant's agreement to complete training. Conditional certifications must be reviewed individually at six-month intervals.

Persons who request conditional certification must submit regular Metro Mobility certification application forms. An applicant found eligible for conditional certification shall be issued an individual certification number that shows conditional certification status.

14 MCAR S 1.7036 Certification appeals board.

The commissioner shall establish a Metro Mobility Certification Appeals Board. The commissioner shall select board members and appoint a chairperson. Duties of members are as described in 14 MCAR S 1.7037. Board members may not alter eligibility criteria.

14 MCAR S 1.7037 Appeal process.

Persons determined to be ineligible for special transportation service by Metro Mobility staff may appeal this initial decision through the following procedure:

A. The applicant shall submit to the manager of the Metro Mobility Transportation Center additional information and explanation regarding the applicant's inability to use mainline bus service. <u>The applicant shall have 30 calendar days from receipt of ineligibility notice to appeal to the Metro Mobility manager.</u>

B. The manager shall review the additional documentation, make the decision, and prepare a written statement of reasons for the decision. Notice of the decision and a copy of the statement must be mailed to the applicant <u>within 30 calendar</u>

HE 47
+ CHE 1/18

days of receipt of the appeal.

C. If the applicant is dissatisfied with the manager's decision, the applicant may then appeal to the Metro Mobility Certification Appeals Board within a maximum time period of 30 days. The applicant shall mail a letter to the commissioner requesting a review by the appeals board. The appeals board shall have no more than 30 calendar days to make its decision. The decision of the appeals board is the final agency decision.

D. If the manager of the Metro Mobility Center or the certification appeals board fails to act by the given deadline, then the applicant shall be automatically certified. If the applicant fails to meet his or her deadline in the appeal process, the finding of ineligibility shall stand.

APPROVED AS TO LEGALITY

March 29, 1983

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jerry D. Thomas
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 31 1983
8:47 AM

EXHIBIT H-1

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the State Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR §1.7025-1.7037, All New Material).

AMENDED ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Harry Seymour Crump on the 21st day of September 1982, at 10:00 A.M., in the State Office Building, Room 57, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 was served upon all persons, associations, and other interested groups registered with the State Department of Transportation for that purpose.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, hearing all of the testimony, considering all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria, and confirming the need for and reasonableness of the above-captioned rules, and

Having submitted revised rules to the Chief Hearing Examiner for review and, upon his review, having corrected the defect noted at 14 MCAR §1.7025 K,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul are adopted this 22nd day of February, 1983, pursuant to authority vested in me by Minnesota Statutes Section 174.31, subdivision 3(g).

STATE OF MINNESOTA

Richard P. Braun
Commissioner of Transportation

STATE REGISTER

STATE OF MINNESOTA



VOLUME 6, NUMBER 36

March 8, 1982

Pages 1549-1568

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 6		
37	Monday March 1	Monday March 8	Monday March 15
38	Monday March 8	Monday March 15	Monday March 22
39	Monday March 15	Monday March 22	Monday March 29
40	Monday March 22	Monday March 29	Monday April 5

*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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.00 per copy.

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

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

Albert H. Quie
Governor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Carol Anderson Porter
Editor

David Zunker
Information Officer

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg
Editorial Staff

Debbie Kobold
Circulation Manager

Margaret Connelly
State Register Index Editor

Cover graphic: *Minnesota State Capitol*, ink drawing by Ric James.

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 27-36. 1552

PROPOSED RULES

Administration Department
Board of Electricity
Inspection Fees and Handling Fee for Request for Inspection Form [addition to notice of intent to adopt rules without a public hearing] 1554

Administration Department
Real Estate Management Division
Leasing of State Property [notice of intent to adopt rules without a public hearing] 1554

ADOPTED RULES

Agriculture Department
Shade Tree Program
Rules Governing the Shade Tree Program 1558

Small Business Finance Agency
Making of Business Loans 1558

TAX COURT

Carl H. Kopplow, Appellant, v. Commissioner of Revenue, Appellee. In the Matter of the Appeal from the Commissioner's Order, dated January 30, 1981, relating to Minnesota gift tax. Order dated February 19, 1982. Docket No. 3277 1559

SUPREME COURT

Decisions Filed Friday, February 26, 1982
81-517/Sp. Seymour R. Schonwetter, et al., Relators, v. The Commissioner of Revenue. Tax Court. 1561
51924 Edmund A. Vikse, et al., v. Gerald Flaby, et al., Defendants, Joe S. Agers, et al., Appellants. Fillmore County. 1561
81-170/Sp. Paul D. Anderson, Relator, v. Moberg Rodlund Sheet Metal Company, Commissioner of Economic Security. Department of Economic Security 1561

STATE CONTRACTS

Energy, Planning and Development Department
Energy Division
Office of Conservation and Alternatives
Technical Evaluation of Energy Conservation Measure Grant Applications 1561

Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
Notice of Request for Credentials for an Investigation of Water Treatment for the Removal of Polynuclear Aromatic Hydrocarbons and other Coal Tar Derivatives from Contaminated Ground Water. 1562

Transportation Department
Technical Services Division
Contract Available for Preliminary Engineering—Design 1562

OFFICIAL NOTICES

Energy, Planning and Development
Energy Policy Development Council
Notice of Council Meeting 1563

Office of the Governor
Notice of Appointment of Commissioner of Veterans Affairs 1563

Metropolitan Health Board
Meeting Notice 1563

Minnesota Teachers Retirement Association
Meeting Notice 1563

Transportation Department
Outside Opinion Sought Regarding Rules Governing Individual Eligibility for Special Transportation Service in the Metropolitan Area. 1564

Water Planning Board
Meeting Notice 1564

Water Resources Board
Notice of Hearing on the Adopted Overall Plan of the "Carnelian-Marine Watershed District". 1564

NOTICE

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

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

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department
2 MCAR § 1.5301 (proposed repeal) 1554
2 MCAR §§ 1.5302-1.5327 (proposed) 1554

TITLE 3 AGRICULTURE

Part 1 Agriculture Department
3 MCAR §§ 1.0109, 1.0111-1.0112 (adopted) 1558
Agr 434-457 (repealed) 1398

TITLE 4 COMMERCE

Part 1 Commerce Department
4 MCAR §§ 1.9120(Temp)-1.9135(Temp) (proposed) 1337
4 MCAR §§ 1.9350-1.9352 (adopted) 1438
4 MCAR §§ 1.9255-1.9270 (proposed) 1229
Ins 32, 34 (proposed repeal) 1229

Part 3 Public Utilities Commission
PSC 120 (adopted) 1398
4 MCAR § 3.0146 (adopted) 1313

Part 4 Cable Communications Board
4 MCAR § 4.100 E. (repealed) 1344

Part 8 Barber Examiners
4 MCAR § 8.079 (adopted) 1529

Part 11 Electricity Board
4 MCAR § 11.004 (proposed) 1414

Part 13 Peace Officer Standards and Training Board
4 MCAR §§ 13.001-13.020 (repealed) 1495
4 MCAR §§ 13.021-13.039 (adopted) 1495

Part 14 Small Business Finance Agency
4 MCAR § 14.021 (adopted) 1558

TITLE 5 EDUCATION

Part 1 Education Department
5 MCAR § 1.0430 (proposed) 1342
EDU 380-382, 385-386 (proposed) 1464

Part 3 Board of Teaching
5 MCAR § 3.002 (adopted) 1346

TITLE 6 ENVIRONMENT

Part 2 Energy Agency
6 MCAR §§ 2.0201-2.0214 (adopted) 1299
6 MCAR §§ 2.4011-2.4017 (proposed) 1468
6 MCAR §§ 2.4021(Temp)-2.4034(Temp) (proposed) 1466
6 MCAR §§ 2.2501(Temp)-2.2510(Temp) (adopted) 1493

Part 3 Environmental Quality Board
6 MCAR §§ 3.072, 3.074, 3.083 (adopted) 1370

Part 4 Pollution Control Agency
6 MCAR § 4.6085 (proposed) 1471
6 MCAR §§ 4.6088 (proposed) 1523
6 MCAR § 4.8024 (adopted) 1344

Part 6 Waste Management Board
6 MCAR §§ 8.101-8.107 (adopted) 1344

TITLE 7 HEALTH

Part 1 Health Department
MHD 326 (proposed) 1297

7 MCAR §§ 1.201-1.210 (repealed) 1256
7 MCAR §§ 1.661-1.665 (adopted) 1256

Part 5 Board of Nursing
7 MCAR §§ 5.0002, 5.1004, 5.1011, 5.1021, 5.1031, 5.1035-5.1036, 5.2002-5.2003, 5.2011, 5.2021, 5.2030, 5.2031, 5.2035-5.2036 (adopted) 1529
7 MCAR §§ 5.1030-5.1031, 5.1033, 5.1036, 5.2030-5.2031, 5.2033, 5.2036 (adopted) 1281
7 MCAR §§ 5.1032, 5.2032 (repealed) 1281

Part 10 Psychology Board
7 MCAR §§ 10.001-10.009 (proposed) 1480
Psych 2, 5, 8, 10-13 (proposed repeal) 1480

TITLE 8 LABOR

Part 1 Labor and Industry Department
RS 1 (adopted) 1398
8 MCAR § 1.7001 (proposed) 1365
8 MCAR §§ 1.7230-1.7232, 1.7240-1.7247, 1.7292, 1.7295, 1.7297, 1.7304 (adopted) 1313

TITLE 9 LAW

Part 2 Administrative Hearings Office
9 MCAR §§ 2.301-2.326 (adopted) 1439

TITLE 10 PLANNING

Part 4 Municipal Board
10 MCAR § 4.020 (adopted) 1439

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department
12 MCAR § 2.001 (temp) (adopted) 1370
12 MCAR § 2.027 (adopted) 1497
12 MCAR § 2.036 (adopted) 1371
12 MCAR §§ 2.045-2.046, 2.059 (repealed) 1440

Part 3 Housing Finance Agency
12 MCAR § 3.002 0.(Temp) (adopted) 1439
12 MCAR § 3.002 (adopted) 1438
12 MCAR §§ 3.053-3.054 (adopted) 1439
12 MCAR § 3.133 (adopted) 1439
12 MCAR § 3.134 (adopted) 1439

TITLE 13 TAXATION

Part 1 Revenue Department
13 MCAR § 1.6101 (adopted) 1399
IncTax 2052(4) (repealed) 1399
13 MCAR § 1.6102 (adopted) 1314
IncTax 2003 (2); 2003 (3); 2004; 2005 (1); 2005 (2); 2005 (3); 2005 (4); 2006 (1); 2006 (2); 2006 (2) (a); 2006 (3); 2006 (4); 2006 (5); 2006 (8); 2007 (5)-1; 2007 (5)-2; 2007 (5)-3; 2007 (5)-4; 2007 (5)-5; 2007 (5)-6; 2007 (5)-7; 2007 (5)-8; 2007 (5)-9; 2007.2; 2007.6; 2008 (3)-1; 2008 (3)-2; 2008 (3)-3; 2008 (3)-4; 2008 (3)-5; 2008 (4); 2008 (5); 2008 (6); 2008 (11); 2008 (16); 2008 (20)-1; 2008 (20)-2; 2008 (20)-3; 2008 (20)-4; 2009 (3)-2; 2009 (3)-3; 2009 (5)-3; 2009 (5)-6; 2009 (12)-1; 2009 (12)-2; 2009 (12)-3; 2009 (12)-4; 2009 (14); 2009 (15); 2009 (18)-1; 2009 (18)-2; 2009 (18)-3; 2009 (18)-4; 2009 (19); 2009 (21)-1; 2009 (21)-2; 2009 (21)-3; 2009 (21)-4; 2009 (21)-5; 2009 (21)-6; 2009.5 (7)-6; 2010 (8); 2012 (1); 2012 (3); 2013 (4); 2013.1 (2)-1; 2013.1 (2)-2; 2013.1 (2)-3; 2013.1 (2)-4; 2013.1 (3); 2013.1 (4); 2013.1 (5); 2013.1 (6)-1; 2013.1 (6)-2; 2013.1 (6)-3; 2013.1 (7); 2013.2 (1); 2013.2 (2)-1; 2013.2 (2)-2; 2013.2 (2)-3; 2013.2 (2)-4; 2013.2 (2)-5; 2013.2 (2)-10; 2013.2 (2)-11; 2013.2 (2)-12; 2013.3 (2); 2013.3 (3)-1; 2013.3 (3)-2; 2013.3 (3)-3; 2013.3 (3)-4; 2013.4 (1); 2013.4 (2)-1; 2013.4 (2)-2; 2013.4 (2)-3; 2013.4 (2)-4; 2013.4 (2)-5; 2013.4 (2)-6; 2013.4 (2)-7; 2013.4 (3)-1; 2013.4 (3)-2; 2013.4 (3)-3; 2013.4 (3)-4; 2013.4 (3)-5; 2013.4 (4)-1; 2013.4 (4)-2; 2013.5 (1); 2013.5 (2)-1; 2013.5 (2)-2; 2013.5 (2)-3; 2013.5 (2)-4; 2013.5 (2)-5; 2013.5 (3)-1; 2013.5 (3)-2; 2013.5 (3)-3; 2013.5 (3)-4; 2013.5 (3)-5; 2013.5 (4)-1; 2013.5 (4)-2; 2013.5 (4)-3; 2013.6 (1)-1; 2013.6 (1)-2; 2013.6 (1)-3; 2013.6 (2); 2013.6 (3)-1; 2013.6 (3)-2; 2013.6 (3)-3; 2013.6 (3)-4; 2013.6 (3)-5; 2013.6 (4)-1; 2013.6 (4)-2; 2013.6 (4)-3; 2013.6 (4)-4; 2013.6 (5)-1; 2013.6 (5)-2; 2013.6 (6)-1; 2013.6 (6)-2; 2013.6 (6)-3; 2013.6 (6)-4; 2013.6 (7); 2013.6 (8)-1; 2013.6 (9)-1; 2013.6 (9)-2; 2013.6 (9)-3; 2013.7 (1)-1; 2013.7 (1)-2; 2013.7 (2); 2013.7 (3)-1; 2013.7 (3)-2; 2014 (7); 2016 (6); 2016 (7)-1; 2016 (7)-2; 2016 (7)-3; 2016 (7)-4; 2016 (12); 2016 (13)-1; 2017 (5); 2018 (2); 2021 (1); 2022; 2023 (2)-1; 2023 (2)-2; 2023 (2)-3; 2023 (5)-1; 2023 (5)-2; 2023 (5)-3; 2023 (5)-4; 2023 (5)-5; 2023 (5)-6; 2023 (5)-7; 2023 (5)-8; 2023 (6)-1; 2023 (6)-2; 2023 (6)-3; 2023 (6)-4; 2023 (6)-5; 2023 (7)-1; 2023 (7)-2; 2023 (7)-3; 2023 (7)-4; 2023 (7)-5; 2023 (7)-6; 2023 (7)-7; 2023 (7)-8; 2023 (8)-1; 2023 (8)-2; 2023 (8)-3; 2023 (8)-4; 2023 (9)-1; 2023 (9)-2; 2023 (9)-3; 2023 (9)-4; 2023 (9)-5; 2023 (9)-6; 2023 (9)-7; 2023 (9)-8; 2023 (9)-9; 2023 (10)-1; 2023 (10)-2; 2023 (10)-3; 2023 (10)-4; 2023 (10)-5; 2023 (10)-6; 2023 (10)-7; 2023 (10)-8; 2023 (11)-1; 2023 (11)-2; 2023 (11)-3; 2023 (11)-4; 2023 (11)-5; 2023 (11)-6; 2023 (11)-7; 2023 (11)-8; 2023 (12)-1; 2023 (12)-2; 2023 (12)-3; 2023 (13); 2023 (14)-1; 2023 (14)-2; 2023 (14)-3; 2023 (14)-4; 2023 (14)-5; 2024; 2025 (1)-1; 2025 (1)-2; 2025 (1)-3; 2025 (1)-4; 2025 (2)-1; 2025 (2)-2; 2025 (2)-3; 2025 (3)-1; 2025 (3)-2; 2025 (3)-3; 2025 (3)-4; 2025 (4)-1; 2025 (4)-2; 2025 (4)-3; 2025 (4)-4; 2025 (4)-5; 2025 (5); 2027-1; 2027-2; 2028 (1)-1; 2028 (1)-2; 2028 (2)-1; 2028 (2)-2; 2028 (2)-3; 2028 (2)-4; 2031 (28); 2036.1 (1); 2037 (1); 2037 (2); 2038 (2); 2040 (4); 2042 (5); 2044; 2045 (3); 2050 (2); 2050 (4); 2053 (3); 2053 (4); 2061; 2065 (1); 2065 (6); 2065 (7); 2092 (1)-1; 2092 (1)-5; 2092 (7)-3; 2092 (11); 2093.1-1; 2093.1-2; 2093.1-4; 2093.2-1; 2093.2-2; 2093.2-3; 2093.2-5; 2093.3-3; 2093.4-4; 2093.4-5; 2093.4-6; 2097.1 (1); 2097.1 (2); 2097.1 (3); 2097.2 (1); 2097.2 (2); 2097.2 (3); 2097.2 (5); and 2097.2 (6) (repealed) 1314
13 MCAR § 1.6501 (withdrawn) 1397

PROPOSED RULES

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

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

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

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

Department of Administration Board of Electricity

Proposed Amendment of Rules Governing Inspection Fees and Handling Fee for Request for Inspection Form

Addition to Notice of Intent to Adopt Rules without a Public Hearing

The Notice of Intent to Adopt Rules without a Public Hearing and the above referenced matter published at *State Register*, Volume 6, Number 33, pp. 1414-1417. February 15, 1982 (6 S.R. 1414) omitted the following statement:

Persons who wish to be advised of the submission of this material to the Attorney General should contact:

John Quinn
Executive Secretary
State Board of Electricity
Room N-191, Griggs Midway Building
1821 University Avenue
Saint Paul, Minnesota 55104
Telephone: (612) 297-2111

Department of Administration Real Estate Management Division

Proposed Rules Governing Leasing of State Property

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State of Minnesota proposes to adopt the above entitled rules without a public hearing. The Commissioner of Administration has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subd. 4h (1980).

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

Unless seven (7) 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 Minnesota Statutes, § 15.0412, subds. 4-4f.

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

Howard W. Eicher
Real Estate Management Division
Room G-22 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone: (612) 296-1897

Authority for the adoption of these rules is contained in Minnesota Statutes § 16.02, subd. 14. Additionally a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Real Estate Management Division of the Department of Administration upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to 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 Howard W. Eicher, at the above address.

A copy of the proposed rules is attached to this notice. Copies of this notice and the proposed rules are available and may be obtained by contacting Howard W. Eicher at the above address.

James J. Hiniker, Jr.
Commissioner of Administration

Rules as Proposed (all new material)

2 MCAR § 1.5302 Authority. Rules 2 MCAR §§ 1.5302-1.5327 are authorized by Minn. Stat. § 16.02, subd. 14.

2 MCAR § 1.5303 Purpose. Rules 2 MCAR §§ 1.5302-1.5327 are promulgated to govern the leasing of state-owned real property which is temporarily not needed for public use and the leasing of which is not otherwise provided for or prohibited by law.

2 MCAR § 1.5304 Definitions.

A. Applicability. For the purposes of 2 MCAR §§ 1.5302-1.5327, the following terms have the meanings given them.

B. Commissioner. "Commissioner" means the Commissioner of the Department of Administration.

C. Department. "Department" means the Department of Administration.

D. Real estate management division. "Real estate management division" means the Real Estate Management Division of the Department of Administration.

2 MCAR § 1.5305 Commissioner's duties. The commissioner shall establish and enforce the conditions in a lease entered into under 2 MCAR §§ 1.5302-1.5327.

2 MCAR § 1.5306 Responsibility for leasing. The commissioner shall determine whether a state-owned property will be leased. The commissioner shall make the determination after a comprehensive evaluation of the circumstances surrounding the proposed lease.

2 MCAR § 1.5307 The property may be leased only if the evaluation referred to in 2 MCAR § 1.5306 discloses the following:

A. That the property is available for lease;

B. That the applicant for the lease is willing and able to pay rent which, at a minimum, equals the state's direct and indirect costs in providing the property being leased;

C. That the proposed use of the property by the applicant for the lease is compatible with existing or contemplated state operations and programs that might be affected by the lease;

D. That the proposed use of the property by the applicant for the lease is in compliance with all state and local ordinances and codes;

E. That the applicant is duly licensed to use the property as proposed in the application for the lease; and

F. That the proposed use of the property by the applicant for the lease will not adversely affect the neighborhood or community in which the property is located.

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.

The compatibility required by C. shall be established by the heads of the agencies operating the affected existing or contemplated state programs. The commissioner shall not lease state property without a written statement from affected agency heads that the proposed use of the property by the lessee is not incompatible with existing or contemplated state operations and programs.

2 MCAR § 1.5308. Effect of lease on community; final jurisdiction. The commissioner has final jurisdiction in establishing whether the effect of the lease of the state-owned property on the neighborhood or community in which the property is located is adverse to the extent that the property should not be leased.

2 MCAR § 1.5309 Adverse effect of lease; public hearing. Notwithstanding 2 MCAR [1.5308, when the commissioner has information that a serious adverse effect on the neighborhood or community may be created by the leasing of the property, or when the commissioner has information that the leasing of the property is objectionable to a substantial number of citizens in the neighborhood or community, the commissioner may direct that a public hearing be convened.

2 MCAR § 1.5310 Public hearing procedure.

A. Informal process; opportunity for hearing. The hearing referred to in 2 MCAR § 1.5309 shall be informal. It shall provide an opportunity to all interested persons to publicly object to or support, orally or in writing, the lease being considered.

B. Advertisement. The hearing must be advertised in a newspaper having general circulation in the area in which the property is located. The advertisement must appear at least one week before the date of the hearing. In addition to announcing the time and the place of the hearing and the subject to be discussed, the advertisement shall invite written testimony by all persons unable or unwilling to appear.

C. Written testimony. Persons wishing to testify in writing as authorized in A. will be invited to do so by writing to: Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

D. Findings of fact; decision. Within ten working days following the hearing the commissioner shall make findings of fact based on testimony at the hearing and shall decide to lease or not to lease the property.

E. Published notice of decision. The commissioner shall, by publication in the *State Register* and by conspicuous posting in the real estate management division, give notice of the decision and the reasons for the decision.

F. Mailed notice of decision. Each party who has expressed an interest in leasing the property shall be notified by mail of the commissioner's decision and the reasons for the decision.

2 MCAR § 1.5311 Drafting of lease. The real estate management division shall draft all real property leases. Each lease shall be in accord with its policy and procedures and shall be in a form approved by the attorney general.

2 MCAR § 1.5312 Advertising expenses and other pre-lease costs. Advertising expenses and other pre-lease costs incurred by the real estate management division in leasing the property shall be borne by the agency which had custodial control of the property when it was declared temporarily unneeded.

2 MCAR § 1.5313 Notice to interested parties.

A. Request for notice. All parties wishing to be notified of the availability for lease of temporarily unneeded state property may request notification by written request sent to: Director of the Real Estate Management Division, G-22 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

B. List of requesters. A list of parties who request notification or whose interest in leasing such property is otherwise known to the real estate management division shall be maintained by the real estate management division. The list shall indicate the particular areas in which the interested party has expressed an interest.

C. Retention of names on list. Each interested party's name shall remain on the list for one year. Then the name shall be removed unless a new expression of interest is made known to the real estate management division.

D. Mailing of notice. The notice that a property is available for lease shall be mailed to all appropriate parties on the list when state-owned property becomes available for lease. The notice shall be mailed at least 15 calendar days before the bid return deadline.

2 MCAR § 1.5314 Advertisement of property in *State Register*. In addition to mailing of the notice described in 2 MCAR § 1.5313 D., the real estate management division shall, except as provided in 2 MCAR § 1.5315, advertise the property for lease in the *State Register*.

2 MCAR § 1.5315 Advertisement of property in newspaper.

A. Requirement. When the commissioner has information that more than two parties are interested in leasing the property, he shall advertise the property for lease in a newspaper having general circulation in the area in which the property is located.

B. Time. The newspaper advertisement shall appear on the same day of the week for two successive weeks. The final advertisement shall appear at least seven days before opening of bids.

2 MCAR § 1.5316 Notice that property will not be leased. If a decision is made not to lease property for which application to lease has been received, public notice of the decision and reasons for the decision shall be published in the *State Register* and posted in the real estate management division.

2 MCAR § 1.5317 Posting of notification that property has been leased. When a property has been leased, notification shall be posted conspicuously in the real estate management division for a period of 30 days from the date of execution of the lease.

2 MCAR § 1.5318 Awarding of lease.

A. Open competition. Except as provided in 2 MCAR §§ 1.5319-1.5320, the lessee shall be selected on the basis of free and open competition.

B. Award standards. The property shall be leased to the highest responsible bidder, consistent with the state's intended use and management of the property, if the bid fulfills the minimum rent required in 2 MCAR § 1.5307 B.

C. Rejection and waiver. The department expressly reserves the right to reject any or all bids or to waive informalities in them.

2 MCAR § 1.5319 Waiver of competitive bidding process. Open competitive bidding for leasing state-owned property may be waived when the commissioner determines that one or more of the following circumstances exist:

A. There is only one interested party that can feasibly use the property;

B. The contemplated rental term is 90 days or less;

C. The party wishing to lease the property is a not-for-profit organization, and the proposed lessee's occupancy is clearly a public benefit as determined by the commissioner; or

D. Factors other than bid price, such as maintenance of the property, are paramount.

2 MCAR § 1.5320 Order of priority in awarding leases. Except to the extent that the state reserves the right to advertise unneeded property to protect the integrity of the competitive bidding process, the state shall refrain from engaging in the real estate market. Unused state real estate shall be made available to entities in the following order of priority:

A. State departments and agencies;

B. University of Minnesota;

C. Other governmental subdivisions;

D. Public or not-for-profit organizations with particular priority given to those organizations which operate to provide a social or community service;

E. Private enterprises established for profit, with particular priority given to those organizations which operate to provide a social or community service.

2 MCAR § 1.5321 Protection of state's interests; legal claims. The lessee shall, in every instance, be required to indemnify and hold the state harmless for any claim, meritorious or otherwise, and for any causes of action, regardless of their nature, arising directly or indirectly out of lessee's use or occupancy of the property. The state shall not be liable for any damage to property of the lessee or injury to lessee or the lessee's invitees.

2 MCAR § 1.5322 Liability insurance to be purchased by lessee.

A. Requirement and amount. If in the judgment of the commissioner the proposed use or occupancy of the property by the applicant for the lease will seriously jeopardize life or property, the lessee shall be required to purchase liability insurance which protects all persons and their property from injury or damage. The amount of liability insurance shall not be less than: $100,000 minimum coverage per person per occurrence; $500,000 minimum coverage per occurrence; and $100,000 minimum additional coverage for damages to or loss of property per occurrence.

B. Contents; copies. The insurance policy shall name the state of Minnesota as an additional insured. A copy of either the policy or a certificate of insurance shall be furnished to the state before occupancy by the lessee. The policy shall include an

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.

endorsement providing for not less than 15 days prior written notice to the state in the event of material change or cancellation of the insurance.

C. State as sole insured. If in the judgment of the commissioner the proposed use or occupancy of the property by the applicant for the lease will place life or property in severe jeopardy, the commissioner may require that the liability policy required in A. and B. be a policy in which the state of Minnesota is named as the sole insured.

2 MCAR § 1.5323 Improvements to become property of the state. All improvements to the property made by a lessee shall become the property of the state except as expressly agreed upon in the lease.

2 MCAR § 1.5324 Cost of remodeling, upgrading, or landscaping property. The cost of remodeling, upgrading, or landscaping the property to prepare or maintain it for lessee's use, or the cost of remodeling or retrofitting to bring a property into compliance with the state building code or any local code shall be borne solely by the lessee.

2 MCAR § 1.5325 Material change in premises; prior approval required. Remodeling, upgrading, landscaping, retrofitting, or any other action which will materially change the premises shall not be commenced by the lessee without prior approval of the commissioner.

2 MCAR § 1.5326 Disposition of funds; where deposited. Except as otherwise provided by law, money received by the commissioner from the leasing of unneeded state property shall be credited to the general fund of the state. However, a portion of the proceeds from the lease equal in amount to the advertising expenses and other pre-lease costs referred to in 2 MCAR § 1.5312 may be remitted to the account from which the expenses and costs were paid. Funds so remitted to the account are appropriated and immediately available for expenditure in the same manner as other money in the account.

2 MCAR § 1.5327 Status of property upon expiration of lease. Expiration or termination of a lease returns the property to the ownership status it had when it was declared temporarily unneeded.

Repealer. Rule 2 MCAR § 1.5301 is repealed.

ADOPTED RULES

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

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

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

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

Department of Agriculture
Shade Tree Program

Adopted Amendments to Rules Governing the Shade Tree Program

The rules proposed and published at *State Register*, Volume 6, Number 24, pages 1111-1113, December 14, 1981 (6 S.R. 1111) are now adopted as proposed.

Small Business Finance Agency

Adopted Amendment Regarding the Making of Business Loans

The rule proposed and published at *State Register*, Volume 6, Number 21, pages 1016-1018, November 23, 1981 (6 S.R. 1016) is now adopted with the following modification:

4 MCAR § 14.021 Application procedures.

E. Notification of determination. After approving or disapproving an application, the executive director shall notify the applicant of the determination and the treatment of the application as follows:

3. If the executive director determines that any of the costs described in the application are not eligible for funding, the executive director shall note the deficiencies in the application and shall so notify the owner. The owner shall have 30 days from the date of the executive director's notification to amend the application. In the event the application is amended in a timely fashion to include only eligible costs, it shall be treated in accordance with the agency review provisions established in 4 MCAR § ~~14.021 F~~ 14.023. If the application is not properly amended within 30 days, the application shall be deemed rejected and not further considered.

TAX COURT

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

State of Minnesota

Tax Court

Carl H. Kopplow,

Appellant,

v.

Commissioner of Revenue,

Appellee.

In the Matter of the Appeal from the Commissioner's Order, dated January 30, 1981, relating to Minnesota gift tax.

Order dated February 19, 1982

Docket No. 3277

The above matter came on for trial on January 12, 1982, before the Minnesota Tax Court at Nobles County Courthouse in Worthington, Minnesota, the Honorable Earl B. Gustafson, Judge presiding.

William T. Hedeen appeared as attorney for Appellant and James W. Neher, Special Assistant Attorney General, appeared for Appellee.

Syllabus

Where farm property is sold at less than fair market value, the difference between the "bargain" purchase price and the fair market value may be considered a gift subject to the Minnesota gift tax.

In determining the gift tax the value, rather than the cost, of improvements made by the donee prior to the "bargain" sale should be deducted from the fair market value.

Findings of Fact

1. The subject property is a 160-acre farm in Nobles County owned by Henry Kopplow until his death on October 17, 1976.

2. By the terms of Henry Kopplow's last will and testament, the property passed to his son, Carl Kopplow.

3. Carl Kopplow in 1976 after Henry's death verbally agreed to sell the property to his son LeWayne Kopplow for whatever price the farm would eventually be valued at in Henry Kopplow's estate.

4. Henry Kopplow's estate was closed in the fall of 1977 with the farm being valued for probate and inheritance tax purposes at $124,000.

5. On or about December 31, 1977, Carl Kopplow executed a contract for deed selling the property to LeWayne Kopplow and his wife Marsha Kopplow for $124,000, as earlier agreed.

6. During 1977, prior to the execution of the contract for deed, LeWayne Kopplow made substantial improvements to the property.

7. The reasonable value of tiling improvements made by LeWayne Kopplow was $37,000 and the reasonable value of a new silo constructed in 1977 was $13,000.

8. The fair market value of the property including all improvements, as of December 31, 1977, was $208,000.

Conclusions of Law

1. In determining gift tax liability, the commissioner should consider the fair market value, as of December 31, 1977, to be $208,000 and deduct from this the improvements of $50,000.

2. The value of the gifted property would therefore be $158,000 less the purchase price of $124,000, or $34,000.

3. The Commissioner of Revenue's Order, dated January 30, 1981, should be amended consistent with this decision.

LET JUDGMENT BE ENTERED ACCORDINGLY.

By the Court,
Earl B. Gustafson, Judge
Minnesota Tax Court

Memorandum

The question to be determined in this case is the reasonable market value, for gift tax purposes, of a 160-acre farm in Nobles County which was sold under contract for deed dated December 31, 1977, by Carl H. Kopplow to his son and daughter-in-law, LeWayne and Marsha Kopplow, for a purchase price of $124,000. The commissioner originally claimed that the fair market value of the property on that date was $228,000 and that a gift tax must be computed and paid on the difference of $104,000.

At the trial held in Worthington on January 12, 1982, it became evident that the purchaser, LeWayne Kopplow, had made improvements that increased the value of the farm. The commissioner now concedes that the out-of-pocket costs of these improvements, totaling $25,013, should be deducted from the commissioner's value of $228,000. This would mean that the gift tax should be computed, according to the commissioner, on the difference between $202,987 and the contract for deed price of $124,000, or $78,987.

After reviewing and analyzing the evidence, the Court is of the opinion that the fair market value of the property on December 31, 1977, was $1,300 per acre or $208,000. The Court is also of the opinion that there should be a deduction of $50,000 from this figure for the reasonable market value of improvements made by LeWayne Kopplow. This means that in computing any gift tax the commissioner should use the figure $158,000.

Shortly before LeWayne Kopplow bought this farm on contract for deed from his father, Carl, the property passed through the estate of his grandfather, Henry Kopplow. Henry died on October 17, 1976, leaving the farm to Carl. LeWayne and his wife were already living on the farm and immediately after Henry's death they entered into a verbal agreement with Carl to buy the property at the appraised value in Henry's estate. The farm was valued for probate and inheritance tax purposes at $124,000 and this figure was accepted by the Inheritance and Gift Tax Division of the Commissioner of Revenue. Because some time passed before the estate was settled, the actual written contract for deed was not executed until December 31, 1977. In the meantime, LeWayne started to make substantial improvements on the land including the construction of a silo and constructing a tiling system that drained substantial portions of the lowland and resulted in bringing 37 additional acres into cultivation. These improvements were made before December 31, 1977, and, therefore, the market value of the property on that date reflected an increase in value that was to some extent attributable to the improvements or "contributions" made by the donee, LeWayne Kopplow. The commissioner concedes that there should be some deduction from the fair market value for LeWayne's "contributions." There is, however, a question as to how these "contributions" should be valued. The evidence indicates that the cost of installing the tiling, which was paid by the donee, LeWayne Kopplow, was $12,013 and that he paid $13,000 for the silo. This does not, however, include any figure for the reasonable value of his labor.

Mr. Bruce Johnson, appraiser for the state, testified that if he were to appraise the farm without the silo, he would subtract $5,600 from the value he placed on the structures. In other words, in his opinion, the silo contributed $5,600 to the value of the farm or $7,400 less than LeWayne Kopplow's cost of building this structure. This $5,600 figure for the value of the silo appears somewhat low to the Court, but we accept the proposition that cost does not automatically translate into market value. This is borne out when we look at the tiling. Although the actual construction cost of the tiling was $12,013, this, in the opinion of the Court, added substantially more than this figure to the market value of the property. It is undisputed that it directly resulted in making 37 acres of very rich farmland available for tillage. It is our finding that these 37 acres were increased in value from $300 per acre to $1,300 per acre, thus increasing the market value of the farm by $37,000. We find the value of the new silo to be $13,000 and, therefore, the total value of the contributions made by the donee, LeWayne Kopplow, is $50,000. When this $50,000 is deducted from the market value of $208,000, the proper figure to use in computing the gift tax is $158,000 less the contract price of $124,000, bringing the value of the gift to $34,000.

E.B.G.

SUPREME COURT

Decisions Filed Friday, February 26, 1982

Compiled by John McCarthy, Clerk

81-517/Sp. Seymour B. Schonwetter, *et al.*, Relators, v. The Commissioner of Revenue. Tax Court.

Income from electing small business corporations is not taxable under Minn. Stat. § 290.17 (1) (1976) as income from businesses consisting principally of the performance of personal or professional services where taxpayers did not personally render such services for the corporations.

Reversed. Amdahl, C. J. Took no part, Kelley, J.

51924 Edmund A. Vikse, *et al.*, v. Gerald Flaby, *et al.*, Defendants, Joe S. Agers, et al., Appellants. Fillmore County.

The assertion of personal jurisdiction over one of the appellants was permissible under the Minnesota long-arm statute and did not violate due process.

Despite never having directly dealt with them, appellants may nevertheless have been properly found to have committed fraud against the respondents.

Appellants waived their right to a separate submission on punitive damages.

A new trial will not be granted on the basis of newly discovered evidence where the new evidence was not discovered because of a lack of due diligence.

Appellants' claims of judicial error at trial are either meritless, not prejudicial, or both.

Affirmed. Scott, J. Took no part, Kelley, J.

81-170/Sp. Paul D. Anderson, Relator, v. Moberg Rodlund Sheet Metal Company, Commissioner of Economic Security. Department of Economic Security.

Employee-relator did not receive proper and adequate notice of the grounds for appeal from the Department of Economic Security when the commissioner's representative remanded the case to the appeal tribunal without sending him a copy of the letter which constituted the employer's "notice of appeal."

Reversed and remanded. Wahl, J. Took no part, Kelley, 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 Energy, Planning and Development
Energy Division
Office of Conservation and Alternatives

Notice of Request for Proposals for Technical Evaluation of Energy Conservation Measure Grant Applications

The Financial Services Activity of the Energy Division is seeking an engineering and/or architectural firm to perform technical review of grant applications received for the Federal Institutional Buildings Grants Program. This firm will be responsible for evaluating eligibility of grant requests and verifying technical information contained in the grant applications. The firm will also assist the Energy Division in ranking applications and notifying institutions of the results of technical review. These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested from and all inquiries should be directed to:

Rick Korinek
Financial Services Activity
Energy Division
Department of Energy, Planning and Development
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9326

It is anticipated that this technical review process will examine Energy Conservation Measure grant applications for approximately 500 buildings. Total cost should not exceed $20,000. The deadline for submission of completed proposals will be the close of the working day on Monday, March 29, 1982. All contractors with the Department of Energy, Planning and Development must apply for a Certificate of Compliance from the Minnesota Department of Human Rights, 240 Bremer Building, St. Paul, Minnesota 55101.

Minnesota Pollution Control Agency
Solid and Hazardous Waste Division

Notice of Request for Credentials for an Investigation of Water Treatment for the Removal of Polynuclear Aromatic Hydrocarbons and other Coal Tar Derivatives from Contaminated Ground Water

The Minnesota Pollution Control Agency (MPCA) is issuing a Request for Credentials (RFC) for consulting firms qualified to conduct an investigation to review and assess water treatment alternatives, conduct bench tests of potential water treatment alternatives, conduct pilot plant studies of effective alternative(s), investigate alternative sources of potable water, conduct a cost effectiveness analysis of the water supply and gradient control options proposed in the Hickok report, 1981, and, if an effective method of treatment is demonstrated, outline a scope of work and present cost for plans and specifications for removal of polynuclear aromatic hydrocarbons (PAH) from contaminated water supplies in St. Louis Park. The purpose of the water treatment is to remove PAH present in the ground water to levels measured in low nanograms per liter. However, the presence of other organic chemicals will be investigated. Bench tests will also be conducted on more heavily contaminated ground water to assess the range of effective PAH removal.

The consulting firms most qualified to conduct the investigation will be invited to prepare and submit study proposals. The selection will be based on the submitted statement of credentials. The selected group of firms will attend an informational meeting prior to preparing study proposals. A proposal for the plan of study SHOULD NOT be submitted with the statement of credentials.

The complete text of the RFC and the project description may be obtained from:

Richard R. Ferguson
Solid and Hazardous Waste Division
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

The approximate cost for these services is estimated at $200,000.

The deadline for receipt of the statement of credentials is March 29, 1982, 4:30 p.m.

Department of Transportation
Technical Services Division

Notice of Availability of Contract for Preliminary Engineering—Design

The Minnesota Department of Transportation requires the services of a qualified consultant to perform preliminary engineering services.

The work will consist of the preparation of final design construction plans for the relocated Main Street Bridge over the Minnesota River, the Belgrade Avenue Bridge over Trunk Highway 169 in North Mankato, roadway plans for the revised Belgrade Avenue/Trunk Highway 169 interchange and the Mulberry Street/Trunk Highway 60 interchange in Mankato.

The estimated fee is anticipated to be $700,000.00.

Firms desiring consideration shall express their interest and submit their current Federal Forms 254 and 255 before March 15, 1982.

This is not a request for proposal. Send your response to:

B. E. McCarthy
Consultant Services Engineer
Room 612B
Transportation Building
St. Paul, Minnesota 55155

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 Energy, Planning & Development Energy Policy Development Council

Notice of Council Meeting

The next meeting of the council is scheduled for March 15, 1982. The meeting will be held from 1:00 to 4:30 and will include presentations on energy conservation financing and rural institutions. Contact Karla Sand, 296-5124, for the meeting location and further details.

Office of the Governor

Notice of Appointment of Department Head

In accordance with Minn. Stat. § 15.06, subd. 2, notice is hereby given of the appointment of James H. Main as Commissioner of the Department of Veterans Affairs effective March 2, 1982.

Metropolitan Health Board

Meeting Notice

The Metropolitan Health Board of the Twin Cities Area meets regularly on the second and fourth Wednesdays of each month at 4 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101. The subcommittees of the Metropolitan Health Board usually meet at various starting times on these same days prior to the Metropolitan Health Board meetings. The public is cordially invited to attend any of these meetings. For additional information or questions on any of these meetings with regard to time, locations or agendas, please contact the Metropolitan Health Board, 300 Metro Square Building, St. Paul, Minnesota 55101, telephone 291-6352.

Barbara O'Grady, Chairperson
Metropolitan Health Board

Minnesota Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association, will hold a meeting on Thursday, March 25, 1982, at 9 a.m. in the office of the association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the board.

Department of Transportation

Notice of Intent to Solicit Outside Opinion Regarding Rules Governing Individual Eligibility for Special Transportation Service in the Metropolitan Area

Notice is hereby given that the State of Minnesota, Department of Transportation, is seeking information or opinions from sources outside the Department of Transportation in preparing to promulgate new rules governing individual eligibility for special transportation service in the metropolitan area under the Metro Mobility project. The promulgation of these rules is authorized by Minnesota Statutes § 174.31, subd. 3(h), which requires the Department of Transportation to establish criteria to be used in determining such eligibility.

The Department of Transportation requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Robert M. Works, Director
Office of Transit Administration
Minnesota Department of Transportation
419 Transportation Building
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2533 or (612) 296-7052 and in person at the above address.

All statements of information and comment shall be accepted until April 12, 1982. Any written material received by the Department of Transportation shall become part of the record in the event that the rules are promulgated.

February 26, 1982

Richard P. Braun
Commissiner of Transportation

Water Planning Board

Notice of Meeting

Notice is hereby given that the Water Planning Board will hold a meeting on Tuesday, March 16, 1982 in the Department of Natural Resources third floor conference room in the Centennial Office Building, 658 Cedar Street, St. Paul. (9:30 a.m.-2:00 p.m.). An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski, Chairman
Minnesota Water Planning Board

Water Resources Board

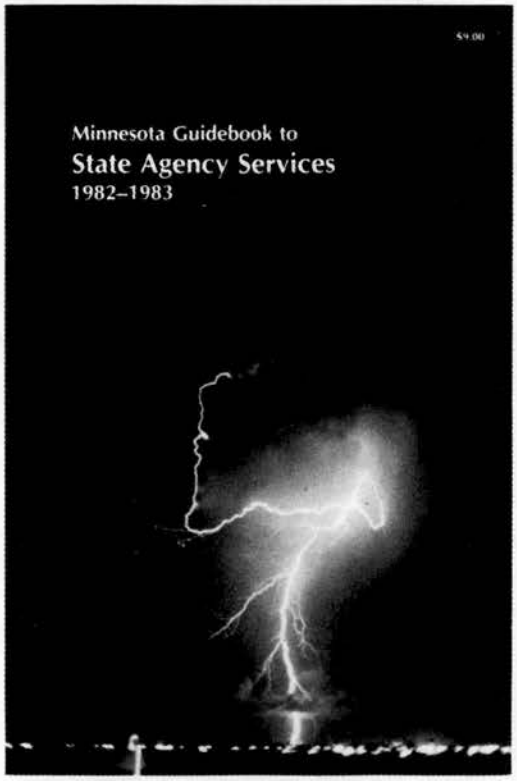
Notice of Hearing on the Adopted Overall Plan of the "Carnelian-Marine Watershed District"

A public hearing on the adopted Overall Plan of the "Carnelian-Marine Watershed District" will begin at 1:30 p.m. on Thursday, March 18, 1982, in the Council Chambers of the Municipal Building of the City of Stillwater, 216 North Fourth Street, Stillwater, Minnesota 55082.

A complete Notice of and Order for Hearing will be published in the February 26 and March 5, 1982 editions of the *Stillwater Gazette*. Copies of the complete notice are also available from the Minnesota Water Resources Board's office at 555 Wabasha Street, St. Paul, Minnesota 55102, (612-296-2840).

Duane Ekman, Chairman
Minnesota Water Resources Board

The *Minnesota Guidebook to State Agency Services 1982-83* is now available in a new, revised edition. This 750-page resource book is the key that opens the door to thousands of agency services, licenses, grants, publications, vital information and Minnesota lore. It guides readers through requirements, forms and fees, applications and complaint filing, and tells the length of waiting time for obtaining services.



The *GUIDEBOOK* is more important than ever before due to the shift in programs from the federal level to state and local government, and because of reorganizations in the state government. It is an indispensable resource for providing fast and clear answers to questions about Minnesota and state government. The *GUIDEBOOK* tells how to obtain grants, scholarships, assistance programs, information services, maps, guides and studies. It lists statewide emergency numbers, hotlines, crisis shelters and information-referral services. The *GUIDEBOOK* gives you direct access to all state agencies and explains what each agency does, how it is organized, who is in charge and why it was established.

The *GUIDEBOOK* has the only complete listing of licenses and permits required in Minnesota, for the professions and occupations as well as recreation and vehicles. The book tells where to obtain them, how much they cost, what applications to fill out, and how to renew them.

A new section on agency rulemaking and administrative law gives a clear explanation of the process that directs agencies to set rules of procedure that have the force and effect of law. Additional information has been included about the University of Minnesota, Community Colleges, State Universities, historic sites, state parks and trails, Indians and reservations, statewide drivers license examining stations, veterans hospitals and service centers, hearings, Voyageurs National Park, health systems agencies and statewide regional arts councils.

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
STATE REGISTER AND
PUBLIC DOCUMENTS DIVISION
117 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55155
(612) 297-3000
TOLL-FREE 1-800-652-9747

The state legislature and courts are also described in detail, listing House and Senate committees, chairpersons, meeting places and times. U.S. Congressmen and Senators from Minnesota and the region are included with their addresses and phone numbers. The book tells how to arrange tours of the Capitol, museums, and historic sites, and when to view the House and Senate from the galleries. It explains the court system and how a bill becomes a law, and when you can sit in on Supreme Court proceedings. Also listed are legislative and judicial commissions, law board admission requirements and professional standards for lawyers and judges.

The Minnesota Profile is crammed with facts about Minnesota's geological formation and historical development, listing names, dates, significant events and vital statistics. It gives anyone with a question about Minnesota colorful and interesting facts about the state, its people, arts, commerce and industry, agriculture, forestry, health, government, climate, education, manufacturing and recreation.

Copies of the *1982-83 Minnesota Guidebook to State Agency Services* are available only through the Minnesota State Documents Center and cost $9.00 plus 45¢ tax. To avoid tax please list your tax-exempt number. Orders should be returned to the address above.

Please send me _____ *GUIDEBOOK(S)* (call for quantity discount prices). Enclosed is a check or money order made out to the Minnesota State Documents Center for the full amount. **All orders must be prepaid**, purchase orders cannot be accepted.

Name: _____ Tax exempt #: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

STATE OF MINNESOTA

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

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

_____ Annual subscription $130.00
_____ Single copies $3.00 each

Minnesota Guidebook to State Agency Services 1982-83 A 750-page reference guide to services provided by Minnesota agencies.

_____ Single copy $9.00 + $.45 sales tax = $9.45 each

Session Laws of Minnesota—1981. Two volumes. Laws enacted during the 1981 legislative session. Inquire about back volumes. $25 + $1.25 (sales tax) = $26.25.

State Register Binder. Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

_____*State Register Binder* $6.00 + $.30 (sales tax) = $6.30* each

State Register Index. Contains cumulative findings aids to Volume 5 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

_____Single copy $5.00

***Minnesota Statutes Supplement*—1981.** One volume. $25 + $1.25 (sales tax) = $26.25.

Worker's Compensation Decisions. Volume 34. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

_____Annual subscription $50.00

Documents Center Catalog—1981-82. Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

_____FREE COPY

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

Name _____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

Transportation Department
Attn: Ken Bjork Rm 313
Interoffice
Room 313 D O T Bldg

Exhibit D-1

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul.

NOTICE OF HEARING

- -

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minnesota Statutes section 15.0412, subdivision 4, in Room 57, State Office Building, State Capitol Complex, 435 Park Street, St. Paul, Minnesota on September 21, 1982, commencing at 10:00 A.M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing individual eligibility for special transportation service in the Metropolitan area of Minneapolis and St. Paul under the Metro Mobility Project in Minnesota Statutes section 174.31, subdivision 3(g) (most current amendment found at Minn. Laws 1981, Third Extra Session, Chapter 2, Section 19); which section requires the Commissioner to establish criteria to be used in determining eligibility. The proposed rules, if adopted, generally would:

In the Matter of the Proposed)
Adoption of Rules of the Depart-)
ment of Transportation Governing)
Individual Eligibility for Special)
Transportation Service in the)
Metropolitan Area of Minneapolis)
and St. Paul.)

1. establish eligibility criteria,

2. provide for administrative procedures,

3. require evidence of disability,

4. require Medical verification of disability,

5. permit winter season and conditional certification,

6. and provide an appeal process.

A copy of the rules is attached. Additional copies of the proposed rules are now available and one free copy may be obtained by writing to:

Robert M. Works, Director
Transit Administration Section
Program Management Division
Minnesota Department of Transportation
820 Transportation Building
St. Paul, Minnesota 55155

Please be advised that interested members of the public who are visually handicapped may obtain, without charge, an audio recording of the rules in cassette tape form by contacting the:

Minnesota Department of Public Welfare
Bureau of Social Services
Blind and Visually Handicapped Program
Communications Center
Tape Librarian
1745 University Avenue
St. Paul, Minnesota 55104
(Telephone: 612-296-6723)

In the Matter of the Proposed)
Adoption of Rules of the Depart-)
ment of Transportation Governing)
Individual Eligibility for Special)
Transportation Service in the)
Metropolitan Area of Minneapolis)
and St. Paul.)

The printed rules will also be available at the door on the date of the hearing.

NOTICE IS ALSO HEREBY GIVEN that twenty-five (25) days prior to the hearing a Statement of Need and Reasonableness will be available for review at the address given above of the department of Transportation and at the Office of Administrative Hearings. The Statement of Need and Reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule(s). Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Transportation therefore strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed rules governing individual eligibility for special transportation service in the Metropolitan area of Minneapolis and St. Paul. Statements may be made orally and written material may be submitted at the hearing. The Department of Transportation hereby

In the Matter of the Proposed)
Adoption of Rules of the Depart-)
ment of Transportation Governing)
Individual Eligibility for Special)
Transportation Service in the)
Metropolitan Area of Minneapolis)
and St. Paul.)

requests those submitting written statements to provide a copy of said materials to the department address given previously, if possible. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Harry Seymour Crump, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7603, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by Minnesota Statutes sections 15.0411 to 15.0417 and section 15.052; as well as by 9 MCAR sections 2.101 to 2.112 (Minnesota Code of Agency Rules). If you have any questions about this procedure, call or write the hearing examiner.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five (5) working days. Any person may

In the Matter of the Proposed)
Adoption of Rules of the Depart-)
ment of Transportation Governing)
Individual Eligibility for Special)
Transportation Service in the)
Metropolitan Area of Minneapolis)
and St. Paul.)

request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report) or the department (in the case of the department's submission or resubmission to the Attorney General). The department expects that 50 persons may attend the hearing and it estimates that 1 to 2 hours will be necessary for the department to present its evidence at the hearing. It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rules for the two years immediately following its adoption within the meaning of Minnesota Statutes section 15.0412, subdivision 7.

Please be advised that Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, subdivision 11 as any individual:

1. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who

In the Matter of the Proposed)
Adoption of Rules of the Depart-)
ment of Transportation Governing)
Individual Eligibility for Special)
Transportation Service in the)
Metropolitan Area of Minneapolis)
and St. Paul.)

spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purppose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

2. Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

Dated this 29th day of July, 1982.

Richard P. Braun
Commissioner

Subscribed and sworn to before me
this 29th day of July, 1982

Colette E. Prokop
Notary Public

Ramsey, County, Minnesota.
My Commission expires 9-13-86.

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

Exhibit B-1

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Elgibility for Special Transportation Service in the Metropolitan Area of Minneapolis and St. Paul.

ORDER FOR HEARING

IT IS ORDERED this 29th day of July, 1982, that a public hearing on the proposed rules captioned above be held in Room 57, State Office Building, State Capitol Complex, 435 Park Street, St. Paul, Minnesota on September 21, 1982, commencing at 10:00 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the Department of Transportation for that purpose and be published in the State Register.

Richard P. Braun
Commissioner of Transportation

Subscribed and sworn before me
this 29th day of July, 1982.

Colette E. Prokop
Notary Public

Ramsey, County, Minnesota.

My Commission expires 9-13-86

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

STATE OF MINNESOTA

Exhibit F

DEPARTMENT OF TRANSPORTATION

AFFIDAVIT OF MAILING

In the Matter of the Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul.

RECEIVED
AUG 19 1982
ADMINISTRATIVE HEARINGS

- -

Kenneth H. Bjork, being first duly sworn deposes and says:

That on the 11th day of August, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Commissioner of Transporation for the purpose of receiving notices concerning proposals for or proposed rules of the Department of Transportation.

AFFIANT

Kenneth H. Bjork

Kenneth H. Bjork, Manager
Administrative Procedures &
Documentation Section
Office of Systems &
Support Services

Subscribed and sworn to before me
this 11th day of August, 1982.

Colette E. Prokop
Notary Public

Ramsey County, Minnesota.

My Commission expires 9-13-86

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul.	CERTIFICATE AS TO COMPLETENESS OF MAILING LIST FOR RULE - MAKING

RECEIVED
AUG 12 1982
ADMINISTRATIVE HEARINGS

I, Kenneth H. Bjork, Manager - Administrative Procedures and Documentation Section, do certify that attached and included in the Affidavit of Mailing of the Notice to all persons on the Department of Transportation mailing list, there is a complete list of persons, associations, and other interested groups who as of 4:30 P.M., August 11, 1982 requested pursuant to Minn. Stat. § 15.0412, subd. 4 that their names be placed on file with the Commissioner of Transportation for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Dated this 11th day of August, 1982.

AFFIANT

Kenneth H. Bjork
Administrative Procedures & Documentation Section
Office of Systems & Support Services

Subscribed and sworn to before me this 11th day of August, 1982.

Colette E. Prokop
Notary Public

Ramsey County, Minnesota.

My Commission expires 9-13-86.

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

KEY NAME-COMPANY CITY	STATE	ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1153 CHASKA	MN	55318	CITY ADMINISTRATOR 31	CITY OF CHASKA	205 EAST 4TH ST	820806
1045 MINNEAPOLIS	MN	55429	31	CRYSTAL SHAMROCK, INC.	6000 DOUGLAS DRIVE NORTH	820806
1106 FALLS CHURCH	VA	22102	STATE REGULATORY DIVISION 31	FEDERAL STATE REPORTS	5203 LEESBURG PIKE #1201	820428
1050 MINNEAPOLIS	MN	55408	31	IZAAK WALTON LEAGUE OF AM	3255 HENNEPIN AVE #109	820428
1078 GRAND RAPIDS	MN	55744	31	MESABA AVIATION	2002 AIRPORT ROAD	820806
0453 GOLDEN VALLEY	MN	55422	COMM DISTRIB DIST 5 05 08(21)15(21)31	MINN DEPT TRANSPORTATION 52(8)56(4)75(63)83(19)	2055 N LILAC DRIVE	820806
1205 BURNSVILLE	MN	55378	DIRECTOR 31	MINN STATE AUTO ASSOC	7 TRAVELERS TRAIL	820806
1049 ST. PAUL	MN	55102	31	MINN PETROLEUM COUNCIL	300 NORTHERN FEDERAL BLDG	820806
1027 MINNEAPOLIS	MN	55413	31	MN TEAMSTERS CREDIT UNION	2021 E HENNEPIN AVENUE	820806
1051 PERHAM	MN	56573	31	MOSTCA, INC.	PO BOX J	820806
1039 ST. PAUL	MN	55103	31 93	PHILLIPS LEGISLATIVE SERV	459 RICE STREET	820504
1029 CALEDONIA	MN	55921	31	RED BARON FLYERS INC		820806
1174 HECTOR	MN	55342	31	ROYALAIRE CO	PO BOX 757	820806
1168 AHMANN CRYSTAL	DELORES MN	55422	CITY CLER 31	CITY OF CRYSTAL	4141 DOUGLAS DRIVE	820217
0455 ALBERTS ROCHESTER	LUELLA MN	55903	M COMMUNICATION DISTRIBUTOR 05 08(19)15(19)31 52	MINN DEPT TRANSPORTATION 56(2)75(27)83(8)	PO BOX 6177 - N HWY 52	820803
1030 ALLEN DULUTH	M MN	55802	R EXECUTIVE SECRETARY 31	MINN TIMBER PRODUCERS	333 W SUPERIOR ST #208	820209
1109 AMUNDSON BRICELYN	DARWIN MN	56014	P OWNER 31	AMUNDSON FLYING SERVICE	RR #1 / PO BOX 175	820210

KEY NAME-COMPANY / CITY	STATE ZIP	TITLE-OFFICE / DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1147 ANDERSON VIRGINIA	HERB MN 55792	K 31	ANDERSON HERB K	418 - 8TH ST S	820216
1172 ANDERSON SHAKOPEE	JOHN MN 55379	K CITY ADMINISTRATOR 31	CITY OF SHAKOPEE	129 EAST FIRST AVENUE	820217
1169 ANDERSON MINNEAPOLIS	RAY MN 55416	C EXECUTIVE DIRECTOR-ASSN 31	MN-DAKOTAS RETAIL HARDWAR	3033 EXCELSIOR BLVD	820217
1041 ASLESON APPLE VALLEY	RICHARD MN 55124	G CITY ADMINISTRATOR 31	CITY OF APPLE VALLEY	14200 CEDAR AVENUE	820209
1166 ASMUS MINNETONKA	DONALD MN 55343	L DIRECTOR OF ENGINEERING 31	CITY OF MINNETONKA	14600 MINNETONKA BLVD	820217
0016 BALDWIN ST. PAUL	JEROME MN 55155	C MGR LIBRARY & INFO SVCS 04 05 15 31 52 56 75 76(2)80(2)83 84	OFC ORGANIZATION DEVELMNT	B-26A TRANSPORTATION BLDG	820803
1096 BARKERS INTERNATIONAL FALLS	R MN 56649	B INDUSTRY RELATIONS MGR 31	BOISE CASCADE-WOODLANDS	PO BOX 1713	820210
1105 BENNETT SOUTH ST. PAUL	JOEL MN 55075	D PRESIDENT 31	ST PAUL UNION STOCK YARDS	200 EXCHANGE BLDG	820210
1076 BENSON ROSEVILLE	DOUGLAS MN 55112	M AIR QUALITY DIVISION 31	MINN POLLUTION CONTROL AG	1935 W COUNTY ROAD B2	820209
1200 BENSON CRYSTAL BAY	WALTER MN 55323	R CITY ADMINISTRATOR 31	CITY OF ORONO	PO BOX 66	820217
0020 BENTHIN ST. PAUL	KEITH MN 55155	V ENGINEER 03 04 05 06 11 12 15 31 52 76 80	OFC BRIDGES & STRUCTURES	610D TRANSPORTATION BLDG	820607
1202 BERGEMAN GARDEN CITY	DUANE MN 56034	 31	BERGEMAN AERIAL CROP SVC	PO BOX 49	820217
1171 BESAW ST. PAUL	DAN MN 55102	 31	MOTOR VEHICLE MANUFACTR'S	411 MAIN STREET	820217
0022 BJORK ST. PAUL	KENNETH MN 55155	H MGR ADMIN PROCEDURES DCMT 04 05 15 16 31 42 52 76 80	OFC SYSTEMS & SUPPORT SVC	308 TRANSPORTATION BLDG	820614
1067 BLAHA ST. PAUL	GERALD MN 55102	T 31	BLAHA GERALD T	457 GOODHUE STREET	820209
1138 BLOCK ST. PAUL	EMANUEL MN 55116	J 31	BLOCK EMANUEL J	619 S SARATOGA	820216

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
0025 BOLDT ST. PAUL	GORDON MN 55155	W ACTING DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC MOT CARR CPLNCE & SAF	404 TRANSPORTATION BLDG	820607
1131 BORGFELT DULUTH	JOHN MN 55805	D NEWS DIRECTOR 31	WDSM / KZIO	1105 E SUPERIOR ST	820216
1006 BOSWELL MINNEAPOLIS	CHRISTINE MN 55404	E ASSOCIATE DIRECTOR 31 93	RETARDED CITIZENS ASSN	2344 NICOLETT AVENUE S	820208
1053 BRAFF MINNEAPOLIS	J MN 55440	E TRAFFIC MANAGER 31	RED OWL STORES INC	PO BOX 329	820209
1144 BRATZ SHEBOYGAN	DONALD WI 53801	W TRAFFIC MANAGER 31	THE C REISS COAL COMPANY	1011 S 8TH STREET	820216
0001 BRAUN ST. PAUL	RICHARD MN 55155	P COMMISSIONER 02 03 04 05 15 31 52 76 80	OFFICE OF COMMISSIONER	411 TRANSPORTATION BLDG	820607
0027 BRENNAN ST. PAUL	ROBERT MN 55155	G DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC CONSTRUCTION	G-20 TRANSPORTATION BLDG	820607
1181 BRICK DULUTH	PHILIP MN 55802	D 31	PICKANDS MATHER & COMPANY	200 W SUPERIOR ST #811	820217
0057 BRISK CROOKSTON	BERNARD MN 56716	S AREA MAINTENANCE ENGR 2B 04 05 07 12 15 31 52 76 80 84	MINN DEPT TRANSPORTATION	1301 S MAIN ST-PO BOX 617	820803
1101 BROEKER MINNEAPOLIS	JOHN MN 55420	M ATTORNEY 31 93	BROEKER HARTFELDT HEDGES	2850 METRO DRIVE #800	820402
1000 BROLING LONG LAKE	JANET MN 55356	 31		776 BROWN ROAD	820806
1028 BUREK ST. PAUL	KATHLEEN MN 55155	P EXECUTIVE DIRECTOR 31 93	MINN LEGIS COMMN - LCRAR	430 STATE OFFICE BLDG	820209
1035 CARLSON LITCHFIELD	WAYNE MN 55355	R CITY ADMINISTRATOR 31	CITY OF LITCHFIELD	126 NORTH MARSHALL AVENUE	820209
1019 CARTER MINNEAPOLIS	RICK MN 55420	E ASST VICE PRESIDENT 31 93	MINN ASSN HEALTH CARE FAC	2850 METRO DRIVE #429	820208
1090 CHARLES HANCOCK	CARTER MN 56244	O 31	CHARLES AERIAL SPRAY	RR HANCOCK	820806
1160 CHEN MINNEAPOLIS	PHILIP MN 55402	M DORSEY WINDHORST HANNAFOR D 31	WHITNEY & HALLADAY	2200 FIRST BANK PLACE E	820217

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
0037 CHRISTIE ST. PAUL	CURTIS MN 55155	W DIRECTOR 03 04 05 06 07 11 12 15 31 42 52 76 80	OFC MAINTENANCE	G-20 TRANSPORTATION BLDG	820607
1194 CLAESON, JR ST. PAUL	LOUIS MN 55103	W COUNSEL - ASSOCIATION 31	MINNESOTA AUTO DEALERS	277 UNIVERSITY AVENUE	820217
1022 CLARKSON MINNEAPOLIS	J MN 55402	B MOSS FLAHERTY CLARKSON 31	FLETCHER	1200 PILLSBURY CENTER	820208
1195 CLAUSEN ST. PAUL	PHILIP MN 55108	J 31		2307 STANDISH ST	820806
0040 COHOON ST. PAUL	EDWIN MN 55155	H DIRECTOR 03 04 05 06 11 12 15 31 42 52 76 80	OFC FINANCIAL MANAGEMENT	408 TRANSPORTATION BLDG	820607
1175 CONNELL DULUTH	THOMAS MN 55811	M VICE PRES/GENL MANAGER 31	BUTLER AVIATION DULUTH IN	DULUTH INTNL AIRPORT	820217
0403 CRADDOCK ST. PAUL	JAMES MN 55155	E COMMUNICATION DISTRIBUTOR 05 08(5)15(5)31 56 75	OFC CONSTRUCTION	G-20 TRANSPORTATION BLDG	820716
0042 CRAWFORD GOLDEN VALLEY	WILLIAM MN 55422	M DISTRICT ENGINEER DIST 5 03 04 05 06 07 12 15 22 31 52 76 80	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	820607
1190 CRIST DES MOINES	LAWRENCE IA 50309	J STATE LEGISLATIVE DIR 31 93	UNITED TRANSPORTATION UN	317 E 5TH STREET #11	820217
0043 CROKE DULUTH	WILLIAM MN 55801	J AREA MAINTENANCE ENGR 1A 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	820607
1127 CULMEY ROCHESTGER	EDWARD MN 55901	D PHYSICAL PLANNING DIR 31	SE MN REG DEVELOPMENT CMN	2200 2ND ST SW	820216
1123 DAILEY EDINA	THOMAS MN 55435	M ATTORNEY - LAW DEPT 31	HENKEL CORPORATION	4620 W 77TH ST	820210
1143 DANIELSON ST. PAUL	RODNEY MN 55102	FIN SEC 31	CARPENTERS UNION	411 MAIN	820216
1007 DARLING ROSEMOUNT	DON MN 55068	F CLERK/TREASURER 31	CITY OF ROSEMOUNT	1367-145TH STREET E	820208
0045 DAVIS ST. PAUL	JACK MN 55155	C DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC PERSONNEL	315 TRANSPORTATION BLDG	820607

KEY NAME-COMPANY CITY		STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME ADDRESS,DIST OFF RM #	DATE
1055 DAWSON ST. PAUL	JEAN	L MN 55155	PRESS ROOM 31 93	MINN GOVERNMENT REPORT B-59 CAPITOL BUILDING	820209
1063 DAYTON MINNEAPOLIS	CHARLES	K MN 55401	ATTORNEY 31	DAYTON,HERMAN,GRAHAM,GETT 10 SOUTH 5TH STREET #930	820209
1178 DENN ST. PAUL	JAMES	N MN 55104	PRESIDENT 31 93 94	MINN MOTOR TRANSPORT ASSN 1821 UNIVERSITY AVE # 34	820512
1099 DEWITT ST. PAUL	ZONA	 MN 55155	STATE DOCUMENTS 31 42	MINN LEGIS REFERENCE LIBR 111 CAPITOL BLDG	820802
1047 DICKINSON ST. PAUL	JAMES	A MN 55101	 31 93	STRINGER COURTNEY & ROHLE 1200 NW NATIONAL BANK BLD	820209
0046 DIETHELM ST. PAUL	PAUL	J MN 55155	DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC RESEARCH & DEVELOPMNT B-9 TRANSPORTATION BLDG	820607
0047 DIFFERT ST PAUL	DOUGLAS	H MN 55155	ASSISTANT COMMISSIONER 02 03 04 05 12 15 22 31 52 76 80	PROGRAM MANAGEMENT DIV 413 TRANSPORTATION BLDG	820802
0048 DINNEEN ST. PAUL	RICHARD	J MN 55155	DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC RIGHT OF WAY 511B TRANSPORTATION BLDG	820607
1061 DOLENTZ ST. CLOUD	JOHN	L MN 56301	CITY ENGINEER 31	CITY OF ST CLOUD CITY HALL ANNEX	820209
0050 DURGIN BRAINERD	DARRYL	E MN 56401	DISTRICT ENGINEER DIST 3 03 04 05 06 07 12 15 22 31 52 76 80	MINN DEPT TRANSPORTATION 301 LAUREL ST	820610
1180 DURWARD DULUTH	MARY	B MN 55802	REGIONAL PLANNER 31 93 94	ARROWHEAD REG'L DEVEL COM 200 ARROWHEAD PLACE	820810
1142 EHLINGHER ST. PAUL	THOMAS	A MN 55101	LAW DEPT 31 93	BURLINGTON NORTHERN RR CO 176 E 5TH ST	820326
0052 EILTS ST. PAUL	LEONARD	G MN 55155	DIRECTOR 03 04 05 06 11 12 15 31 52 56 76	OFC ENVIRONMENTAL SVCS 715 TRANSPORTATION BLDG	820610
0227 ELLETSON MORRIS	JAMES	K MN 56267	AREA MAINTENANCE ENGR 4B 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION 2 SOUTH ST - PO BOX 410	820607
1080 EOFF MINNEAPOLIS	KAREN	 MN 55403	DIRECTOR CVS 31	AMERICAN RED CROSS 11 DELL PLACE	820209

KEY NAME-COMPANY CITY		STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1087 ERICKSON HAWLEY	CLAYTON	J MN 56549	31	ERICKSON CLAYTON J	ROUTE 2	820209
0461 ERICKSON WILLMAR	SANDRA		COMM DISTRIB DIST 8 05 08(14)15(14)31 52(2)56(2)75(11)83(2)	MINN DEPT TRANSPORTATION	PO BOX 268	820806
1185 FARMER ST. PAUL	JOHN	T MN 55117	EXECUTIVE VICE PRESIDENT 31	MINN MFG'D HOUSING ASSN	222 E LITTLE CANADA RD	820217
0062 FAY ST. PAUL	GORDON	M MN 55155	ENGINEER 03 04 05 06 11 12 15 31 52 76 80 83 84	OFC STATE AID	420 TRANSPORTATION BLDG	820803
1135 FEDERIGAN WASHINGTON	ROBERTO	M DC 20037	SR ANALYST STATE INFO UNT 31	THE BUREAU NAT'L AFFAIRS	1231 25TH STREET NW	820216
1203 FEINWACHS MINNEAPOLIS	DAVID	 MN 55414	MANAGER OF REGULATIONS 31	MINN HOSPITAL ASSOCIATION	2221 UNIVERSITY AVENUE	820217
1179 FINHOLT ST. PAUL	RANDY	D MN 55101	AGC HIGHWAY DIVN ADMIN 31	AGC MINNESOTA	111 E KELLOGG BLVD	820217
1066 FISCHER SIOUX FALLS	FRED	 SD 57117	COUNSEL 31	DAN DUGAN TRANSPORT CO	PO BOX 946	820209
1005 FITZPATRICK COTTAGE GROVE	LEO	C MN 55016	 31		8138 HENSLOWE AVENUE S	820806
1084 FOLEY MORA	THOMAS	 MN 55051	 31	EAST CENTRAL RDC	119 SOUTH LAKE ST	820209
1056 FORBES ST. PAUL	GORDON	 MN 55101	COUNSEL 31 93 94	MINN RAILROADS ASSN	480 CEDAR ST #303	820527
1046 FOX MINNEAPOLIS	WILLIAM	E MN 55402	 31	LINDQUIST & VENNUM	4200 IDS CENTER	820209
1008 FREDIN DULUTH	CONRAD	M MN 55802	ATTORNEY AT LAW 31 93	FREDIN CONRAD M	811 FIRST NAT BANK BLDG	820208
1129 FRIESEN VIRGINIA	MILLER	A MN 55792	DIRECTOR 31	RANGE MENTAL HEALTH CNTR	624 513TH ST/PO BOX 1188	820216
1120 FRISON ST. PAUL	FRANK	 MN 55117	 31	NECA	146 E COUNTY RD C	820210
0069 GARGARO ST. PAUL	SAMUEL	F MN 55155	DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC ELECTRONIC COMMUNICAT	320 TRANSPORTATION BLDG	820607

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1072 GARRETT PINE RIVER	VIOLA MN 56474	M CITY CLERK TREASURER 31	CITY OF PINE RIVER	PO BOX 87	820209
5174 GATLIN WHITE BEAR LAKE	STEVEN MN 55110	D CITY ENGINEER 10 31 56 71(2)75	9 CITY OF WHITE BEAR LAKE	250 MILLER AVENUE	820721
1128 GERMUNDSON FERGUS FALLS	OMER MN 56537	M SUPT - TRANSPORTATION 31	OTTER TAIL POWER CO	2115 S CASCADE	820216
1064 GETTY ST. PAUL	R MN 55108	F MANAGER REGULATORY SVCS 31	H B FULLER CO	2400 KASOTA AVENUE	820209
0070 GIESEKE WILLMAR	MARVIN MN 56201	G MAINTENANCE ENGR DIST 8 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	2505-25TH ST NE - BOX 768	820607
0071 GIPP ST. PAUL	RONALD MN 55155	W DIR AUDIT SECTION 03 04 05 06 11 12 13 15 31 42 52 56 75 76 80	OFFICE OF COMMISSIONER	318B TRANSPORTATION BLDG	820722
1103 GODIN MINNEAPOLIS	RALPH MN 55406	J 31	GODIN RALPH J	2824 47TH AVE S	820210
1081 GOEKEN CROOKSTON	WAYNE MN 56716	R 31	NORTHWESTERN RDC	425 WOODLAND AVE	820209
1157 GRABER WORTHINGTON	SHERMAN MN 56187	OWNER 31	WORTHINGTON AVIATION	AIRPORT ROAD	820216
1155 GRAHAM MINNEAPOLIS	THOMAS MN 55401	H 31	CHESTNUT & BROOKS PA	401 SECOND AVENUE SOUTH	820216
1173 GRAVEN MINNEAPOLIS	DAVID MN 55402	L CHAIRMAN 31	TAB	4610 IDS BLDG	820217
1013 GREENBERG MINNEAPOLIS	MYRON MN 55415	HEARING EXAMINER 31	MINN OFC ADMIN HEARINGS	400 SUMMIT BANK BUILDING	820208
1184 GRINDEN DULUTH	JOHN MN 55811	C EXECUTIVE DIRECTOR 31	DULUTH AIRPORT AUTHORITY	DULUTH INT'L AIRPORT	820217
0283 GRONFIELD ST. PAUL	WARD MN 55155	P DEPUTY REVISOR 31	MINN REVISOR STATUTES	CAPITOL BUILDING #3	820323
1023 HABERER STACY	HERMAN MN 55079	H RETIRED 31	BURLINGTON NORTHERN RY	22905 W MARTIN LK DR NE	820208
1191 HAIDER MAPLEWOOD	KENNETH MN 55109	G DIRECTOR OF PUBLIC WORKS 31	CITY OF MAPLEWOOD	1380 FROST AVENUE	820217

KEY NAME-COMPANY / CITY	STATE ZIP	TITLE-OFFICE / DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1042 HALLMAN ST. PAUL	W MN 55104	A PRESIDENT-TARIFF BUREAU 31	ASSOCIATED MOTOR CARRIERS	1745 UNIVERSITY AVENUE	820209
0078 HANSEN ST. PAUL	LYLE MN 55155	L DIRECTOR 03 04 05 06 11 12 15 31 52 56 76 80 83	OFC DESIGN SERVICES	612F TRANSPORTATION BLDG	820802
0402 HANSON ST. PAUL	DOROTHY MN 55155	A COMMUNICATION DISTRIBUTOR 05 08(16)15(16)31(6)56(4)75(17)83(11)84(83)	OFC BRIDGES & STRUCTURES	610 TRANSPORTATION BLDG	820803
1186 HARRY MOOSE LAKE	RICHARD MN 55767	 31		1000 LAKESHORE DRIVE	820806
0080 HARTZBERG VIRGINIA	RAYMOND MN 55792	D AREA MAINTENANCE ENGR 1B 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	HOOVER RD - PO BOX 959	820607
0081 HAUKEBO ST. PAUL	DUANE MN 55155	A DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC AIRPORT DEVEL/ASSIST	417 TRANSPORTATION BLDG	820607
1124 HAUN MINNEAPOLIS	J MN 55440	W ENGINEERING POLICY 31 93	GENERAL MILLS INC	PO BOX 1113	820402
1110 HAVEN ST. PAUL	ROBERT MN 55104	L DIRECTOR 31	TWIN TOWN TREATMENT CENTR	1706 UNIVERSITY AVENUE	820210
1075 HEDGES EAGAN	THOMAS MN 55122	A CITY ADMINISTRATOR 31	CITY OF EAGAN	3795 PILOT KNOB ROAD	820209
1003 HELLELOID INTERNATIONAL FALLS	KRISTEN MN 56649	L OFFICE MANAGER 31	BOHMAN AIRWAYS	ROUTE 8 / PO BOX 348	820208
0100 HILL ST. PAUL	ROGER MN 55155	M MGR PROJECT LIAISON/PMSS 04 05 12 15 31 76 80	OPERATIONS DIVISION	607 TRANSPORTATION BLDG	820517
0088 HIMMELMAN ST. PAUL	BLAINE MN 55155	F DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC MATERIALS ENGINEERING	120A TRANSPORTATION BLDG	820607
1083 HOFFMAN EDINA	FRANCIS MN 55424	J CITY ENGINEER 31	CITY OF EDINA	480 W 50TH STREET	820209
1162 HOFFMANN NICOLLET	LEE MN 56074	 31		R R 2 / PO BOX 103	820806
1100 HOGLUND WILLMAR	RICHARD MN 56265	C CITY-CLERK TREASURER 31	CITY OF WILLMAR	333 SW 6TH ST/PO BOX 755	820210
1107 HOLEY FARIBAULT	GEORGE MN 55021	 31		1509 SW 6TH ST	820428

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1136 HOLLIDAY LAKE ELMO	WARD MN 55042	E 31	ELMO AERO, INC	PO BOX 833	820216
1026 HOLTE SLAYTON	RICHARD MN 56172	N TRANSPORTATION PLANNER 31 93 95	SW REGIONAL DEVEL COMMN	2524 BROADWAY/ PO BOX 265	820527
1198 HOUCHELL ROSEVILLE	CHARLES MN 55113	V DIRECTOR OF PUBLIC WORKS 31	CITY OF ROSEVILLE	2660 CIVIC CENTER DRIVE	820217
1094 HUNT HIGH POINT	BRYCE NC 27261	REGIONAL SALES MANAGER 31	THOMAS BUILT BUSES INC	1408 COURTESY RD/BOX 2450	820210
1170 HUSETH EDEN PRAIRIE	DONALD MN 55344	M VICE PRESIDENT 31	BEECH AERO CENTER / MPLS	13601 PIONEER TRAIL	820217
1137 INGVALDSON MINNEAPOLIS	ERIC MN 55401	W 31	HARSTAD & RAINBOW	1036 MIDLAND BANK BLDG	820216
1108 INGVALSON ST. PAUL	VERN MN 55164	D MGR LEGISLATIVE DIVISION 31 93 94	MINNESOTA FARM BUREAU FED	PO BOX 43370	820512
1150 JACK MANKATO	JAMES MN 56001	T CHAIRPERSON 31	MANKATO STATE UNIVERSITY	PO BOX 36	820216
1059 JAEGER WILLMAR	BRUCE MN 56201	D PRESIDENT 31	WILLMAR AIR SERVICE INC	PO BOX 1077	820209
1159 JENSEN, R D MINNEAPOLIS	GAYNOLD MN 55420	CONSULTANT DIETITIAN 31	HEALTH CARE FACILITIES	111 W 107TH STREET	820217
1161 JOHANSEN CHAMPLIN	JIM MN 55316	PRESIDENT 31	JOHANSEN BUS SVC INC	11911 HWY 52	820217
1052 JOHNSON MINNEAPOLIS	CLARENCE MN 55406	SECRETARY TREASURER 31	IBEW 292 RETIREES	3615 37TH AVENUE S	820209
1010 JOHNSON MINNEAPOLIS	GORDON MN 55404	H 31	LUTHERAN SOCIAL SERVICE	2414 PARK AVENUE	820208
0444 JOHNSON BEMIDJI	JANE MN 56601	E COMM DISTRIB DIST 2 05 08(2)15(2)31	MINN DEPT TRANSPORTATION 52(3)56(2)75(16)83(2)	WASHINGTON & 4TH ST S	820806
1009 JOHNSON SACRED HEART	JOHN MN 56285	A 31		RR 2 - PO BOX 79	820806
1070 JOHNSON MAPLE LAKE	JOHN MN 55390	R PRESIDENT 31	VOCATIONAL FLIGHT TRAININ	PO BOX 360	820209
1192 JOHNSON CROOKSTON	PETER MN 56716	R MANAGER 31	CROOKSTON AVIATION INC	MUNICIPAL AIRPORT	820217

KEY NAME-COMPANY CITY	STATE ZIP		TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1156 JOHNSON ANOKA	ROBERT MN 55303	B	CITY ENGINEER 31	CITY OF ANOKA	2015 FIRST AVE NO	820216
1065 JOHNSON ST. PAUL	ROBERT MN 55101	D	VICE PRESIDENT 31	INSURANCE FEDERATION/MINN	424 ENDICOTT BUILDING	820209
1034 KAUFMAN ST. PAUL	BARBARA MN 55104	W	EXECUTIVE DIRECTOR 31	MINN VOL SOC AGENCY ASSN	141S GRIGGS-MIDWAY BLDG	820209
1044 KAVANEY ST. PAUL	RICHARD MN 55102	T	 31	KAVANEY & WILCOX, P.A.	1220 NORTHERN FEDERAL BLD	820209
0003 KEINZ ST. PAUL	RICHARD MN 55155	B	ASST COMMR AERONAUTICS 02 03 04 05 12 15 31 52 76 80	AERONAUTICS DIVISION	413 TRANSPORTATION BLDG	820607
1204 KELLEY ST. PAUL	R MN 55102	B	 31		6 W FIFTH ST #600	820806
1125 KEMPF EDEN PRAIRIE	PAUL MN 55344		CONTROLLER 31	FLIGHT TRANSPORTATION CRP	9960 FLYING CLOUD DRIVE	820210
0112 KIEFFER ST. PAUL	GEORGE MN 55155	L	DIRECTOR 03 04 05 06 11 12 15 16 21 22 23 31 52 76	OFC SYSTEMS & SUPPORT SVC	308 TRANSPORTATION BLDG	820607
0419 KILLEEN ST. PAUL	KIM MN 55155		COMMUNICATION DISTRIBUTOR 05 08(14)15(14)31 56 75 83 84	OFC SYSTEMS & SUPPORT SVC	308 TRANSPORTATION BLDG	820803
0113 KIPP ST. PAUL	RALPH MN 55155	O	DIRECTOR 03 04 05 06 07 11 12 15 31 52 76 80	OFC ENGINEERING STANDARDS	615 TRANSPORTATION BLDG	820607
1031 KNAPP MINNEAPOLIS	JOHN MN 55402	A	 31 93	HESSIAN,MCKASY&SODERBERG	1500 MIDWEST PLAZA BLDG	820209
1145 KNAPP BROOKLYN CENTER	SY MN 55403		DIR PUBLIC WORKS 31	CITY OF BROOKLYN CENTER	6301 SHINGLE CREEK PKWY	820216
1043 KNODELL MINNEAPOLIS	DAVID MN 55402	R	ATTORNEY 31 93	OLSON, GUNN, & SERAN LTD.	730 SECOND AVENUE S #315	820402
1012 KOERNER-MOORE MINNEAPOLIS	J MN 55403		LIBRARIAN 31	ERNEST K LEHMANN & ASSOC	1409 WILLOW STREET #300	820208
0464 KOONCE NORTH ST. PAUL	JEAN MN 55109		COMM DISTRIB DIST 9 05 08(33)15(33)31 52(9)56(3)75(61)83(21)	MINN DEPT TRANSPORTATION	3485 HADLEY AVENUE N	820806
0117 KORTH ST. PAUL	LEO MN 55155	A	ASST DIV DIR TECH SERVS 03 04 05 06 11 12 15 31 52 75 76	TECHNICAL SERVICES DIVN	612D TRANSPORTATION BLDG	820803

KEY NAME-COMPANY CITY	STATE ZIP		TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES 80 83 84	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
0194 KREUTZER BRAINERD	GERALD MN 56401	N	AREA MAINTENANCE ENGR 3A 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	301 LAUREL ST	820610
1025 KROEGER FARIBAULT	CHARLES MN 55021	A	 31	QSS, INC.	PO BOX 838	820208
1016 KRUPA ST. CLOUD	DENNI MN 56301		SUPVR LICENSE DEPT 31	ANDERSON TRUCKING SERVICE	203 COOPER AVENUE N	820208
1132 KURKI DULUTH	ALBERT MN 55806		DIRECTOR 31	UNITED WEST END - COACT	2904 WEST 3RD STREET	820216
1188 LANCE DETROIT LAKES	WAYNE MN 56501		CLERK-TREASURER 31	CITY OF DETROIT LAKES	1025 ROOSEVELT AVENUE	820217
0122 LARSON ST. PAUL	EARL MN 55155	R	DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC SURVEYING & MAPPING	711 TRANSPORTATION BLDG	820607
1126 LARSON MORRIS	EDWARD MN 56267	R	CITY ENGINEER 31	CITY OF MORRIS	609 OREGON AVE	820210
1018 LARSON NEW HOPE	HARLYN MN 55428	G	CITY MANAGER 31	CITY OF NEW HOPE	4401 XLYON AVENUE N	820208
1121 LEHMAN ST. PAUL	ROBERT MN 55117	M	PRESIDENT 31 71 93	LEHMAN TRANSPORT INC	155 E ACKER	820802
1139 LEIER ST. PAUL	BRUCE MN 55104		EXECUTIVE DIRECTOR 31	MINN SOCIAL SERVICE ASSN	614 PORTLAND AVE	820216
1130 LICKE GRAND RAPIDS	W MN 55774	J	GENERAL COUNSEL 31	BLANDIN PAPER COMPANY	115 FIRST STREET SW	820216
0126 LINZIE ST. PAUL	MERRITT MN 55155	H	DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC HIGHWAY PROGRAMS	818 TRANSPORTATION BLDG	820607
1134 LOCH STAPLES	DAVID MN 56479		 31	REGION 5 RDC	611 IOWA AVE	820216
1077 LUSHER ST. PAUL	GEORGE MN 55101	W	CHIEF ADMINISTRATOR 31	METRO WASTE CONTROL COMMN	350 METRO SQUARE BLDG	820209
1001 MACFARLANE MINNEAPOLIS	RON MN 55450		PRESIDENT/CHIEF PILOT 31	INTERNATIONAL JET, INC.	6225-34TH AVENUE S	820208
0129 MADOLE WILLMAR	KENNETH MN 56201	A	DISTRICT ENGINEER DIST 8 03 04 05 06 07 12 15 22 31 52 76	MINN DEPT TRANSPORTATION	2505-25TH ST NE - BOX 768	820607

KEY NAME-COMPANY CITY			TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
0008 MARSHALL ST. PAUL	FRANCIS MN 55155	C	ASST COMMR TECHNICAL SVCS 02 03 04 05 12 15 22 31 52 56 75 76 80 83	TECHNICAL SERVICES DIVN	413 TRANSPORTATION BLDG	820802
1182 MARTIN DULUTH	DAVID MN 55802	A	EXECUTIVE DIRECTOR 31 93	RDC3-ED	200 ARROWHEAD PLACE	820406
1111 MARTIN ST. PAUL	DONALD MN 55102	E	MGR DIST PLANNING 31	ECONOMICS LABORATORY INC	370 WABASHA ST	820210
1089 MATTHIAS ST. CLOUD	HOWARD MN 56301		DIR CENTER DR ED & SAF 31	ST CLOUD STATE UNIVERSITY	WHITNEY HOUSE	820209
1093 MAXWELL FARGO	ROBERT ND 58108	N	ATTORNEY AT LAW 31	JOHNSON & MAXWELL LTD	PO BOX 2471	820210
0002 MCDONALD ST. PAUL	ROBERT MN 55155	J	DEPUTY COMMISSIONER 02 03 04 05 15 31 52 76 80 93	OFFICE OF COMMISSIONER	408 TRANSPORTATION BLDG	820607
1004 MCMAHON MINNEAPOLIS	THOMAS MN 55403	J	VICE PRESIDENT 31	SETTER, LEACH & LINDSTROM	1011 NICOLLET MALL	820208
0136 MCNAMARA ST. PAUL	LAWRENCE MN 55155	F	ASST DIV DIR OPERATIONS 03 04 05 06 11 12 15 31 52 75 76 80	OPERATIONS DIVISION	413 TRANSPORTATION BLDG	820722
0137 MCRAE ST. PAUL	KERMIT MN 55155	K	DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC TRAFFIC ENGINEERING	309 TRANSPORTATION BLDG	820607
1085 MEISSNER COTTAGE GROVE	CARL MN 55016	F	CITY ADMINISTRATOR 31	CITY OF COTTAGE GROVE	7516-80TH STREET S	820209
1119 MERRILL FARIBAULT	THOMAS MN 55021	E	PRESIDENT 31	FARIBAULT TRANSPORTATION	2615 1ST AVE NW/BOX 163	820210
0005 MERRITT ST. PAUL	WILLIAM MN 55155	C	ASST COMMR OPERATIONS 02 03 04 05 12 15 22 31 42 52 56 75 76 80 83 84	OPERATIONS DIVISION	413 TRANSPORTATION BLDG	820803
1112 MEYER BLOOMINGTON	HERBERT MN 55431	W	CODE CONSULTANT 31	MEYER HERBERT W	10824 ZENITH AVE S	820210
1183 MILLER ST. LOUIS PARK	DAVID MN 55426	S	 31		2845 QUEBEC AVENUE S	820806
1146 MOHR CRANE LAKE	ROBERT MN 55725	R	OWNER 31	MOHR AIR MARINE SERVICE	23 E	820216

KEY NAME-COMPANY CITY	STATE ZIP		TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1158 MOLT MINNEAPOLIS	DEAN MN 55426	D	EXECUTIVE DIRECTOR 31	MINN LP GAS ASSN	7515 WAYZATA BLVD	820216
1020 MONK CHANHASSEN	WILLIAM MN 55317		PUBLIC WORKS DIRECTOR 31	CITY OF CHANHASSEN	690 COULTER DRIVE	820208
1095 MONTEITH WASHINGTON	KRIS DC 20005	A	MANAGER REGULATORY REPTNG 31	S & F A REPORTING SVCS	1101 15TH ST NW #204	820210
0417 MONTGOMERY ST. PAUL	JOYCE MN 55155	M	COMMUNICATION DISTRIBUTOR 05 08(3)15(3)31 56(10)75(3)	OFC STATE AID	420 TRANSPORTATION BLDG	820716
0281 MOOSBRUGGER ST. PAUL	LLOYD MN 55155	J	ASST. ATTNY. GENERAL 31 52	OFC ATTORNEY GENERAL	515 TRANSPORTATION BLDG	820607
1117 MORGAN MINNEAPOLIS	ROBERT MN 55487	S	ENGR PLANNING & PRGMNG 31 93	MINNEAPOLIS PUBLIC WORKS	A-1800 GOVERNMENT CENTER	820210
0280 MURPHY ST. PAUL	JOHN MN 55155	R	ASST. ATTY. GENERAL 31 52	OFC ATTORNEY GENERAL	515 TRANSPORTATION BLDG	820607
0463 MURPHY MARSHALL	LAURA MN 56258	L	COMM DISTRIB AREA 8B 05 08(12)15(12)31 52 75	MINN DEPT TRANSPORTATION	PO BOX 29	820806
0223 MURPHY NORTH ST. PAUL	WAYNE MN 55109	F	ACTING DIST ENGR DIST 9 03 04 05 06 07 12 15 22 31 52 76 80	MINN DEPT TRANSPORTATION	3485 HADLEY AVENUE N	820802
1024 NELSON ST. PAUL	BARBARA MN 55104		LEGAL ADVOCATE FOR BLIND 31	GRIGGS-MIDWAY BLDG #389SO	1821 UNIVERSITY AVENUE	820208
0143 NELSON ST. PAUL	LEE MN 55155	J	DIR ADMIN SUPP SVCS SECT 04 05 12 15 31 76 80	OFC SYSTEMS & SUPPORT SVC	308 TRANSPORTATION BLDG	820517
1098 NORD PEMBINA	TERENCE ND 58271		VICE-PRESIDENT 31	NORD AVIATION INC	FT PEMBINA AIRPORT	820210
1199 NOZISKA MINNEAPOLIS	HOWARD MN 55420		EXECUTIVE DIRECTOR 31	MINN MASONRY INSTITUTE	7851 METRO PKWY #103	820217
0147 NYGAARD BEMIDJI	MIKE MN 56601	N	AREA MAINTENANCE ENGR 2A 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	WASHINGTON & 4TH ST S	820607
1196 O'BRIEN NEW YORK	PATRICK NY 10038	J	COUNSEL 31	AMERICAN INSURANCE ASSN	85 JOHN STREET	820217
1141 O'CONNELL ST. PAUL	DAVID MN 55103		EXECUTIVE DIRECTOR 31	MINN GOV'T ENGRS COUNCIL	555 PARK STREET	820216

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1164 O'CONNOR MINNEAPOLIS	RAYMOND MN 55402	E DIRECTOR PUBLIC AFFAIRS 31	MINNESOTA GAS COMPANY	733 MARQUETTE AVENUE	820217
0148 OFSTEAD ST. PAUL	EUGENE MN 55155	E DIR GOVERNMENT RELATIONS 02 03 04 05 06 11 12 15 31(2)52 76 80 84	OFFICE OF COMMISSIONER	408 TRANSPORTATION BLDG	820803
1036 OLOFSON MINNEAPOLIS	ARTHUR MN 55402	W EXEC VICE PRESIDENT 31	MPLS ASSOC BLDG OWNER/MGR	927 SOO LINE BLDG	820209
0216 OLSEN MINNEAPOLIS	BILL MN 55404	 31	MEDIBUS	2324 4TH AVENUE SO.	820804
1097 OLSON MINNEAPOLIS	DAVID MN 55402	C PROGRAM MANAGER 31	MPLS CHAMBER OF COMMERCE	15 S 5TH ST	820210
1167 OLSON MINNEAPOLIS	JAMES MN 55402	D ATTORNEY AT LAW 31	BEST & FLANAGAN	4040 IDS CENTER	820217
1040 OLSON HASTINGS	LEONARD MN 55033	G PUBLIC WORKS DIRECTOR 31	CITY OF HASTINGS	100 SIBLEY STREET	820209
1014 OLSON HACKENSACK	RAYMOND MN 56452	C PRESIDENT 31 91	LAKELAND AVIATION, INC.	ROUTE 1 / PO BOX 195	820208
1071 OTTO MINNEAPOLIS	MERLAND MN 55435	J TRANSPORTATION PLANNER 31	RALPH BURKE ASSOCIATES	5200 W 73RD STREET	820209
1176 PAULEY MOUNDS VIEW	DONALD MN 55112	F CLERK-ADMINISTRATOR 31	CITY OF MOUNDS VIEW	2401 HIGHWAY 10	820217
0153 PAWLAK DULUTH	JOHN MN 55811	T DISTRICT ENGINEER DIST 1 03 04 05 06 07 12 15 22 31 52 76 80	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	820607
1113 PAYNE DEGRAFF	ALVIN MN 56233	B 31		ROUTE 1 / PO BOX 40	820806
1017 PIDGEON BLOOMINGTON	JOHN MN 55431	G CITY MANAGER 31 93	CITY OF BLOOMINGTON	2215 W OLD SHAKOPEE ROAD	820208
0004 PINKE ST. PAUL	JUDITH MN 55155	A ASST COMMR FINANCE-ADMIN 02 03 04 05 12 15 22 23 31 52 76 80	FINANCE & ADMIN DIVISION	408 TRANSPORTATION BLDG	820607
0035 PLETAN GOLDEN VALLEY	RODNEY MN 55422	MAINTENANCE ENGR DIST 5 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	820712
1068 POLT EYOTA	THOMAS MN 55901	M ATTORNEY AT LAW 31	POLT LAW OFFICE	PO BOX 1007	820209

KEY NAME-COMPANY CITY		STATE ZIP		TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1091 POPOVICH ST. PAUL	PETER	MN 55101	S	31 93	PETERSON,POPOVICH, ET AL	314 MINNESOTA BUILDING	820210
1201 RAHR MINNEAPOLIS	FREDERICK	MN 55415	W	31 93	IZAAK WALTON LEAGUE MPLS	567 GRAIN EXCHANGE BLDG	820217
1088 RAIBER ST. CLOUD	KENNETH	MN 56301	W	AVIATION RESOURCE CENTER 31	ST CLOUD STATE UNIVERSITY	HEADLEY HALL	820209
0024 RAISANEN MANKATO	DONALD	MN 56001	L	ACTING AME AREA 7A 04 05 07 15 31 52 76 80	MINN DEPT TRANSPORTATION	501 S VICTORY DRIVE	820607
1092 REARDON WILLMAR	HELEN	MN 56201	J	DEPUTY DIRECTOR 31	W CENTRAL COMNTY SRVS CNT	1125 SE 6 ST	820210
1002 REESE LAKE ELMO	JAMES	MN 55042	L	OWNER 31	REESE AVIATION INC.	PO BOX 897	820208
1058 RIEDL, SR BRAINERD	JOHN	MN 56401	C	AIRPORT MANAGER 31	BRAINERD/CROW WING CTY	AIRPORT / PO BOX 446	820209
1011 ROCHE' ST. PAUL	KEVIN	MN 55155		SPECIAL ASST ATTNY GEN'L 31	MINN OFC ATTORNEY GENERAL	FORD BLDG/117 UNIVERSITY	820208
1193 ROE ST. PAUL	DAVID	MN 55103	K	PRESIDENT 31	MINNESOTA AFL-CIO	175 AURORA AVENUE	820217
1038 ROSENTHAL ST. PAUL	ABE	MN 55104		EXECUTIVE VICE PRESIDENT 31 93 94	MINN TRANSPORT SERVICES	1821 UNIVERSITY AVE #310	820811
1033 ROSS LINO LAKES	ALFRED	MN 55014		 31		6356 WARE ROAD	820806
1207 RUHLE MINNEAPOLIS	SAM	MN 55415		HEARING EXAMINER 31 93	MINN OFC ADMIN HEARINGS	310 S FOURTH AVE #400	820217
1116 SANDA ST. PAUL	KRIS	MN 55102		DIRECTOR:ATTN.RESEARCH 31	MINN OFC CONSUMER SVCS	128 METRO SQUARE BLDG	820210
1082 SANFORD RICHFIELD	S	MN 55423	M	 31	SANFORD S M	700 PORTLAND AVE	820209
1149 SATHER ALEXANDRIA	GERALD	MN 56308	E	 31	WEBER AERO REPAIR INC	AIRPORT - PO BOX 264	820216
1187 SCHADE ROSEVILLE	BARRY	MN 55113	C	DIR-WATER QUALITY DIV 31	MINN POLLUTION CONTROL AG	1935 W COUNTY ROAD B2	820217
0164 SCHENKELBERG ST. PAUL	ALLAN	MN 55155		ACTING DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC TRANSIT	820 TRANSPORTATION BLDG	820712

KEY NAME-COMPANY CITY		STATE ZIP		TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1163 SCHILLING ST. PAUL	BILL MN	55101		GOVERNMENT AFFAIRS 31	ST. PAUL CHAMBER COMMERCE	701 NORTH CENTRAL TOWER	820217
1021 SCHMIDT GARDEN CITY	WARREN MN	56034		SUPERINTENDENT 31	INDEPENDENT DISTRICT #78		820208
1208 SCHMIDT FOREST LAKE	WAYNE MN	55025		 31		20769 KEEWAHTIN AVENUE	820806
1152 SCHMITT ALBERT LEA	WILLIAM MN	56007	L	 31	CITY OF ALBERT LEA	221 EAST CLARK ST	820216
1015 SCHOTZKO BLUE EARTH	JUDITH MN	56013	G	 31	FRUNDT, FRUNDT & JOHNSON	117 WEST 5TH STREET	820208
1062 SCHRANTZ BLAINE	JAMES MN	55434	E	 31	CITY OF BLAINE	9150 CENTRAL AVENUE NE	820209
5108 SCHWENINGER BRAINERD	RONALD MN	56401	J	CITY ENGINEER 10 31 56 71 75	3 CITY OF BRAINERD	CITY HALL	820614
0416 SECOR ST. PAUL	JANET MN	55155		COMMUNICATION DISTRIBUTOR OFC 05 08(20)15(20)31 52(17)56 75	RIGHT OF WAY	511 TRANSPORTAION BLDG	820716
0121 SHAW OWATONNA	DALE MN	50060	N	AREA MAINTENANCE ENGR 6B 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	1010 21ST AV NW-PO BOX 29	820607
1048 SHAW MINNEAPOLIS	ROBERT MN	55402	M	MANAGER 31	MINN NEWSPAPER ASSOC	84 SOUTH 6TH STREET	820209
1060 SHIELDS ST. PAUL	JOSEPH MN	55108	B	SUPVR HEALTH & SAFETY 31	ST PAUL PUBLIC SCHOOLS	2180 KNAPP STREET	820209
1177 SHIPMAN ST. PAUL	JAMES MN	55116	C	EXECUTIVE DIRECTOR 31 93 94	ASSOCIATION MINN COUNTIES	2305 FORD PARKWAY	820527
1104 SHOL FERGUS FALLS	LUCKY MN	56537		PRESIDENT 31	WEST CENTRAL AIRWAYS INC	PO BOX 432	820210
1154 SIGGERUD BURNSVILLE	CHARLES MN	55337	A	DIRECTOR OF PUBLIC WORKS 31	CITY OF BURNSVILLE	1313 E HWY 13	820216
0423 SJOHOLM ST. PAUL	JACK MN	55155	F	COMMUNICATION DISTRIBUTOR OFC 05(2)08(7)15(7)31(6)56(22)75(3)83(2)84(2)	TRANSP INFORMATION	815 TRANSPORTATION BLDG	820803
1151 SMITH WASECA	KEITH MN	56093	C	DIRECTOR OF MANUFACTURING 31	EE JOHNSON CO	299 10TH AVE SW	820216

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
0171 SOTEBEER WINDOM	ANDREW MN 56101	L AREA MAINTENANCE ENGR 7B 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	COUNTY RD 26 - PO BOX 427	820607
1102 STALLCOP MINNEAPOLIS	PETE MN 55415	EXECUTIVE VICE-PRESIDENT 31 93 94	NW COUNTRY ELEVATOR ASSN	PO BOX 15004 COMMERCE STN	820527
1115 STROM ST. PAUL	KURT MN 55101	E ASSISTANT DIRECTOR 31	COUNCIL FOR HANDICAPPED	208 METRO SQUARE BLDG	820210
0178 SULLIVAN ST. PAUL	RICHARD MN 55155	H ASST DIV DIR TECH SERVS 03 04 05 06 11 12 15 31 52 56 75 76 80	TECHNICAL SERVICES DIVN	612E TRANSPORTATION BLDG	820722
1118 SWANSON STILLWATER	CHARLES MN 55082	J COUNTY ENGINEER 31 83	WASHINGTON COUNTY HWY DPT	11660 MYERON ROAD N	820802
1122 TAYLOR INDEPENDENCE	EARL MN 55359	CITY CLERK 31	CITY OF INDEPENDENCE	1790 COUNTY ROAD 90	820210
1189 TENNESSEN ST. PAUL	ROBERT MN 55155	J COMMERCE COMMITTEE 31	MINNESOTA STATE SENATE	309 CAPITOL BUILDING	820217
0185 TESSMAN ST. PAUL	GERALD MN 55155	F DIRECTOR 03(2)04(2)05(2)06(2)11(2)12 15(2)31 52 76(2)80	OFC ORGANIZATION DEVELMNT	410 TRANSPORTATION BLDG	820607
0450 THOMPSON DETROIT LAKES	MARLYS MN 56501	A COMM DISTRIB DIST 4 05 08(8)15(8)31 52(4)56(2)75(20)83(5)84	MINN DEPT TRANSPORTATION	1000 W TH 10 - PO BOX 666	820806
1133 THORNTON VIRGINIA	PETER MN 55792	J 31	THORNTON PETER J	107 SOUTH 15TH AVE W	820216
1054 THUNDERBIRD MINNEAPOLIS	AIRCRAFT CO MN 55436	 31	THUNDERBIRD AIRCRAFT CO	5100 EDEN AVENUE	820209
1140 TOWN OF WHITE BEAR LAKE WHITE BEAR	 MN 55110	CLERK-TREASURER 31	TOWN OF WHITE BEAR LAKE	1281 HAMMOND ROAD	820216
0452 TSCHETTER MORRIS	CONNIE MN 56267	COMM DISTRIB AREA 4B 05 08 15 31 52(7)75	MINN DEPT TRANSPORTATION	2 SOUTH ST / PO BOX 410	820806
1206 TWEEDALE BEMIDJI	CLIFF MN 56601	DIRECTOR PHYSICAL PLNG 31 94	HEADWATERS REG'L DEVL CMN	PO BOX 586	820810
1073 VIITALA MINNEAPOLIS	WILFRED MN 55408	C DIRECTOR PUBLIC AFFAIRS 31	HONEYWELL INC. MN12-5215	HONEYWELL PLAZA	820209
0191 WAGNER DETROIT LAKES	RONALD MN 56501	W AREA MAINTENANCE ENGR 4A 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	1000 W TH 10 - PO BOX 666	820607

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1057 WALDREF FOREST LAKE	JEROME MN 55025	 31		7361 NORTH SHORE TRAIL	820806
0193 WARZALA ST. PAUL	BRUCE MN 55155	L DIR HWY PROGRAMMING SECT 04 05 12 15 31 76 80	OFC HWY PROGRAMS	815 TRANSPORTATION BLDG	820526
0282 WEHRWEIN ST. PAUL	JUDITH MN 55155	LEGAL ASSISTANT 31	OFC ATTORNEY GENERAL	50 SHERBURNE AVENUE #200	820601
0420 WEIDELL ST. PAUL	GEORGINA MN 55155	COMMUNICATION DISTRIBUTOR 05 08(2)15(2)31 56(2)75(4)	OFC TRAFFIC ENGINEERING	309 TRANSPORTATION BLDG	820721
1069 WELK MINNEAPOLIS	GARY MN 55401	V MGR ENV & REG ACTIVITIES 31 93	NORTHERN STATES POWER CO	414 NICOLLET MALL	820209
1079 WESTIN DULUTH	CHARLES MN 55802	W EXECUTIVE VICE PRESIDENT 31	NEMDA	800 ALWORTH BUILDING	820209
1165 WIECK ST. PAUL	COLLEEN MN 55101	A DEVELOPMENTAL DISABILTIES 31	WIECK COLLEEN A	201 CAPITOL SQUARE BLDG	820217
1114 WIEDERKEHR ST. PAUL	MATT MN 55106	H PRESIDENT 31	WIEDERKEHR BALLOONS	1604 EUCLID ST	820210
5010 WISNIEWSKI CHASKA	DONALD MN 55318	C HIGHWAY ENGINEER 09 31 56 71(2)75 83 84	5 COUNTY OF CARVER	600 E 4TH ST / PO BOX 6	820803
0197 WOFFORD ST. PAUL	KENNETH MN 55155	O DIRECTOR 03 04 05 06 11 12 15 31 52 76 80	OFC AERONAUTICS OPERATION	417 TRANSPORTATION BLDG	820607
0198 WOLFE BEMIDJI	ROBERT MN 56601	E DISTRICT ENGINEER DIST 2 03 04 05 06 07 12 15 22 31 52 76 80 84	MINN DEPT TRANSPORTATION	WASHINGTON & 4TH ST S	820803
0201 WORKS ST. PAUL	ROBERT MN 55155	M DIR TRANSIT ADMIN SECT 04 05 06 12 15 31 76 80	OFC TRANSIT	820 TRANSPORTATION BLDG	820802
1032 WOZNIAK ST. PAUL	D MN 55101	D LAW OFFICES 31	WOZNIAK D D	401 MIDWEST FEDERAL BLDG	820209
0203 YOERG ST. CLOUD	W MN 56301	N AREA MAINTENANCE ENGR 3B 04 05 07 12 15 31 52 76 80	MINN DEPT TRANSPORTATION	3725 12TH AV N-PO BOX 370	820607
1074 YORDE MARSHALL	ALISON MN 56258	 31	COUNTRYSIDE COUNCIL	PO BOX 78	820209
0204 YOUNGQUIST DETROIT LAKES	JOHN MN 56501	W DISTRICT ENGINEER DIST 4 03 04 05 06 07 12 15 22 31 52 76	MINN DEPT TRANSPORTATION	1000 W TH 10 - PO BOX 666	820607

KEY NAME-COMPANY CITY	STATE ZIP	TITLE-OFFICE DISTRIBUTIONS CODES AND COPIES 80	ORGANIZATION UNIT-CO NAME	ADDRESS,DIST OFF RM #	DATE
1197 ZELENKA MINNEAPOLIS	ROBERT MN 55415	EXECUTIVE SECRETARY-ASSN 31 93 95	MINN FARMER'S ELEVATOR	852 GRAIN EXCHANGE BLDG	820810

END OF REPORT

RECEIVED
AUG 19 1982
ADMINISTRATIVE
HEARINGS

STATE REGISTER

RECEIVED
AUG 20 1982
ADMINISTRATIVE HEARINGS

STATE OF MINNESOTA



VOLUME 7, NUMBER 7

August 16, 1982

Pages 189-224

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 7		
8	Monday Aug 9	Monday Aug 16	Monday Aug 23
9	Monday Aug 16	Monday Aug 23	Monday Aug 30
10	Monday Aug 23	Monday Aug 30	Monday Sept 6
11	Monday Aug 30	Friday Sept 3	Monday Sept 13

*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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.25 per copy.

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

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

Albert H. Quie
Governor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Carol Anderson Porter
Editor

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg
Editorial Staff

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

Cover graphic: ***Minnesota State Capitol,*** **ink drawing by Ric James.**

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 1-7 192

PROPOSED RULES

Commerce Department
Private Passenger Automobile Surcharge Disclosure (notice of intent to adopt rules without a public notice) 193

Education Department
Instruction Division
Preschool Screening Program (notice of intent to adopt rules without a public hearing) 196

Transportation Department
Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul (notice of hearing) 202

ADOPTED RULES

Public Safety Department
Safety Administration Division
Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers 207

Office of the Secretary of State
Election Division
Voter Registration, Preparation of the White Ballot, Absentee Voting Materials and Delivery Procedures, Election Judge Training 207

Transportation Department
Public Transportation/Planning Division
State Rail Bank Program 207

SUPREME COURT

Decisions Filed Friday, August 6, 1982
49437, 51505 State of Minnesota vs. 49437 Roger Sipe Caldwell, Appellant, and Roger Sipe Caldwell, petitioner, Appellant, vs. 51505 State of Minnesota. Crow Wing and St. Louis Counties 210
81-557 James Thayer, *et. al.*, Appellants, vs. American Financial Advisors, Inc., *et. al.*, Defendants, and Merrill Lynch, Pierce, Fenner and Smith, Inc., *et. al.* Hennepin County 210
81-729 Reliance Insurance Company, Appellant, vs. Phillip G. Arneson, Nicholas Von Arx. Dakota County 210
81-628 Roger W. White and Verla M. White, Appellants, vs. Arnold Jargenson, individually and d/b/a Harris-Jorgenson Construction Inc. Dakota County 210
51872, 81-1085 State of Minnesota vs. Robert A. Jensen, Appellant. Hennepin County 210
52085 State of Minnesota vs. Janet Bowley, Appellant. Beltrami County 210
81-590 State of Minnesota vs. William G. Ford, Appellant. Hennepin County 210
81-628 In the matter of the Petition for Disciplinary Action Against Ronald J. Johnson, a Minnesota Lawyer. Supreme Court 211

OFFICIAL NOTICES

Education Department
School Financial Managment Division
Outside Opinion Sought on Rules Governing Financial Accounting and Reporting 211

Health Department
Health Systems Division
Criteria for Waivers of Certificate of Need Review 211

Investment Board
Meeting 213

Natural Resources Department
Minerals Division
State Copper-Nickel Lease Sale; State Lands to be Offered for Copper-Nickel Exploration 214

Pollution Control Agency
Outside Opinion Sought on Rules Governing Administration of the Water Pollution Control Fund and Federal Grant Funds Allotted to Minnesota 214

Secretary of State
Vacancies in Multi-Member State Agencies 215

State Retirement System
Meeting 215

Transportation Department
Street and Highway Routes Designated to Carry Gross Weights 216

Welfare Department
Income Maintenance Bureau
Outside Opinion Sought on Rules Governing Medical Assistance 216

STATE CONTRACTS

Administrative Hearings Office
Request for Proposal For Statistics/ Accounting Consultant 218

Corrections Department
Contract for Marketing Services 218

Designer Selection Board
Request for Proposal for Design of a Parking Ramp 218

Education Department
Vocational-Technical Division
Retract Request for Proposal for Data Processing Services 220

NOTICE

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

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

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

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

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

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

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

1 MCAR §§ 2.0101-2.1101, 2.2101-2.2115, 2.4101-2.4205, 2.5101-2.5119 (adopted) 207

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.8001-1.8024 (proposed) 73
2 MCAR §§ 1.90100-1.90904 (adopted) 174

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0388-1.0404 (proposed) 5
3 MCAR §§ 1.0548-1.0560 (proposed) 78
3 MCAR §§ 1.0543-1.0547 (proposed repeal) 78
Agr 402, 404 (proposed repeal) 5

Part 2 Animal Health Board

3 MCAR § 2.015 (proposed) 110
3 MCAR § 2.032 (proposed) 111
3 MCAR § 2.062 (proposed) 109
LSB 33 (proposed) 111
LSB 62 (proposed repeal) 109

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts for Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which Are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979 [proposed] 33
4 MCAR §§ 1.9081-1.9088 (proposed) 193

Part 3 Public Utilities Commission

4 MCAR §§ 3.0450-3.0463 (notice of hearing) 114

Part 10 Cosmetology Board

4 MCAR §§ 10.002 [Temp], 10.009 [Temp]-10.010 [Temp], 10.042 [Temp]-10.043 [Temp], 10.006 [Temp] (adopted) 94
4 MCAR §§ 10.004 [Temp], 10.021 [Temp], 10.026 [Temp], 10.028 [Temp], 10.041 [Temp] (continued) 94

TITLE 5 EDUCATION

Part 1 Education Department

EDU 143 [Temp]-EDU 146 [Temp] (proposed) 48
EDU 142 C. (proposed temporary repeal) 48
5 MCAR §§ 1.0720-1.07221, 1.0723-1.0724 (proposed) 196
5 MCAR §§ 1.0722, 1.0725 (proposed repeal) 202

TITLE 6 ENVIRONMENT

Part 2 Energy Agency (Energy Planning and Development Department)

6 MCAR § 2.3120 (proposed) 86

TITLE 7 HEALTH

Part 10 Psychology Board

7 MCAR §§ 10.001-10.009 (adopted) 133
Psych 2, 5, 8, 10-13 (repealed) 133

TITLE 8 LABOR

Part 4 Economic Security Department

8 MCAR § 4.0012 (adopted) 174

TITLE 10 PLANNING

Part 1 Planning Agency (Energy, Planning and Development Department)

10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.555, 1.560, 1.565 (proposed) 87

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR §§ 1.0046-1.0048 (adopted) 207
SafAd 49-50 (repealed) 207
11 MCAR §§ 1.3071-1.3077 (withdrawn) 129
11 MCAR §§ 1.5101-1.5154 (proposed) 166
Fire Mar 30-51, 4401-4404 (proposed repeal) 166
11 MCAR §§ 1.6101-1.6106 [proposed] 52

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Board

12 MCAR § 2.065 (adopted) 139
12 MCAR § 2.222 (proposed) 129

Part 3 Housing Finance Agency

12 MCAR § 3.002 [Temp] (proposed) 11
12 MCAR § 3.002 (proposed) 165

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4011-1.4016 (adopted) 207
14 MCAR §§ 1.7025-1.7037 (proposed) 202

PROPOSED RULES

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

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

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

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

Department of Commerce Insurance Division

Proposed Rules Governing Private Passenger Automobile Surcharge Disclosure

Notice of Intent to Adopt Rules without a Public Hearing

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

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

No public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of *Minn. Stat.* § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit them to William Kyle,

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.

Insurance Division, 500 Metro Square Building, St. Paul, MN 55101. Copies of this Notice and the proposed rules are also available and may be obtained by contacting Mr. Kyle.

Authority for the adoption of these rules is contained in *Minn. Stat.* § 65B.133, subd. 7. Additionally, a statement of need and reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to 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 William Kyle, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101.

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

Thomas L. O'Malley
Temporary Commissioner of Insurance

Rules as Proposed (all new material)

4 MCAR § 1.9081 Authority. Rules 4 MCAR §§ 1.9081-1.9088 apply to all companies writing policies of private passenger automobile insurance. They are adopted pursuant to the authority of *Minnesota Statutes,* section 65B.133, subdivision 7.

4 MCAR § 1.9082 Purpose. Rules 4 MCAR §§ 1.9081-1.9088 are designed to assure that surcharge disclosure statements contain minimum basic information which allows insureds to make sound decisions when comparison shopping for automobile insurance.

4 MCAR § 1.9083 Definitions.

A. Applicability. For the purposes of 4 MCAR §§ 1.9081-1.9088, the terms defined in this rule have the meanings given them.

B. Auto Plan. "Auto plan" means the Minnesota Automobile Insurance Plan.

C. Chargeable accident. "Chargeable accident" is as defined in *Minnesota Statutes,* section 65B.133, subdivision 1, clause (b).

D. Chargeable traffic violation. "Chargeable traffic violation" is as defined in *Minnesota Statutes,* section 65B.133, subdivision 1, clause (c).

E. Major chargeable traffic violation. "Major chargeable traffic violation" means only those chargeable traffic violations listed below:

1. driving while in an intoxicated condition or under the influence of drugs, and also includes a driver's license record entry of "Implied Consent;"

2. failure to stop and report when involved in an accident;

3. a felony involving the use of a motor vehicle;

4. driving a motor vehicle in a reckless manner which results in an injury to a person; and

5. driving a motor vehicle during the period of time the driver's license is suspended or revoked.

F. Statement. "Statement" means the surcharge disclosure statement as defined in *Minnesota Statutes,* section 65B.133, subdivision 1, clause (f).

G. Surcharge. "Surcharge" is as defined in *Minnesota Statutes,* section 65B.133, subdivision 1, clause (e).

H. Surcharge plans. "Surcharge plans" is as defined in *Minnesota Statutes,* section 65B.133, subdivision 1, clause (g).

4 MCAR § 1.9084 Readability. All statements must meet the following standards of readability and legibility:

1. Statements must be written in simple, commonly used language so as to be easily readable and understandable by a person of average intelligence, experience and education.

2. Statements must be arranged in a logical and clear order.

3. Statements must be printed in type face at least as large as ten point modern type, one point leaded.

4 MCAR § 1.9085 Highlighted provisions. All surcharge plans containing one of more of the following provisions, must have the provisions highlighted in bold print or contrasting color print on the surcharge disclosure statement:

1. surcharges which are based on estimated damage instead of the actual amount paid by the insurer;

2. surcharges which are applied to a vehicle other than the one involved in an accident;

3. surcharges which apply to chargeable traffic violations other than major chargeable traffic violations;

4. surcharge plans that involve both the loss of a discount and the application of a surcharge for the same chargeable accident or chargeable traffic violation; and

5. surcharges which are higher for some classes than others (for example, youthful operator classes surcharged more than adult operator classes.)

4 MCAR § 1.9086 Review. Statements must be submitted to the Commissioner of Insurance as an informational filing at least 30 days prior to use. Although not subject to affirmative approval by the Commissioner the statements must comply with *Minnesota Statutes,* section 65B.133 and 4 MCAR §§ 1.9081-1.9088.

4 MCAR § 1.9087 Auto plan procedures. The auto plan shall submit a statement to the Commissioner of Insurance which is subject to prior approval. The participating members of the auto plan are responsible for providing a copy of the statement to auto plan insureds, and to their agents for use when an auto plan application is written.

4 MCAR § 1.9088 Examples of surcharge plan. Each company must display on the statement two examples of how their surcharge plan works. One example must show a one-vehicle insured with a $200 premium. The second example must show a two-vehicle insured, with a $200 premium on one vehicle and a $300 premium on the second vehicle. The required format of these examples is contained in Exhibit 4 MCAR § 1.9088-1.

If the amount of the surcharge varies because of different factors such as territories, use the highest rated factor and furnish that information on the example.

If the premium includes expenses which are not surcharged, follow this procedure: If there is an $80 bodily injury, property damage premium, expenses of $7, and a 20 percent surcharge, the premium for one chargeable accident would be $94.60. ($80 − $7 = $73; $73 × .20 = $14.60; $14.60 + $80 = $94.60.) This procedure must be explained on the example.

Exhibit 4 MCAR § 1.9088-1

Surcharge plan formats

The formats contained in this exhibit must be used, but additional information may be included to explain unusual situations.

A. One vehicle insured.

Coverage	Premium with no accidents	Premium including surcharge for one chargeable accident	Premium including surcharge for two chargeable accidents
Bodily injury, property damage	$ 80	$	$
Uninsured motorist	5		
Personal injury protection	40		
Comprehensive	25		
Collision	50		
TOTAL PREMIUM	$200	$	$

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.

B. Two vehicles insured. Accidents chargeable to the principle operator of vehicle number one, while operating vehicle number one.

1. Vehicle number one.

Coverage	Premium with no accidents	Premium including surcharge for one chargeable accident	Premium including surcharge for two chargeable accidents
Bodily injury, property damage	$ 80	$	$
Uninsured motorist	5		
Personal injury protection	40		
Comprehensive	25		
Collision	50		
TOTAL PREMIUM	$200	$	$

2. Vehicle number two.

Coverage	Premium with no accidents	Premium including surcharge for one chargeable accident	Premium including surcharge for two chargeable accidents
Bodily injury, property damage	$120	$	$
Uninsured motorist	5		
Personal injury protection	60		
Comprehensive	40		
Collision	75		
TOTAL PREMIUM	$300	$	$

State Board of Education
Department of Education
Instruction Division

Proposed Rules Governing the Preschool Screening Program (5 MCAR §§ 1.0720-1.0724)

Notice of Intent to Adopt Rules without a Public Hearing

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

The proposed rules govern the administration of the preschool screening mandate as authorized by *Minn. Stat.* § 123.703, subd. 1., which establishes authority for the Board of Education to promulgate rules for preschool screening program standards.

Proposed revisions to 5 MCAR §§ 1.0720-1.0724 remove obsolete provisions of the current rules, establish new procedures as required by legislative amendments to *Minn. Stat.* §§ 123.702-123.703, and provide clarifications of some preschool screening program standards.

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment

period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to provisions of *Minn. Stat.* § 15.0412, subds. 4-4f.

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

Thomas J. Lombard, Supervisor
Preschool Screening Program
State Department of Education
647 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-4080

Authority for the adoption of these rules is contained in *Minn. Stat.* § 123.703, subd. 1. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Thomas J. Lombard upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Thomas J. Lombard.

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

Copies of this notice and the proposed rules are available and may be obtained by contacting Thomas J. Lombard.

John J. Feda, Secretary
State Board of Education

Rules as Proposed

Chapter Thirty-Six:
Preschool Health and Developmental Screening

5 MCAR § 1.0720 Definitions. ~~For the purposes of this chapter~~

A. Scope. As used in 5 MCAR §§ 1.0720-1.0724, the terms ~~are~~ defined ~~as follows:~~ in 5 MCAR § 1.0720 have the meanings given them.

~~A.~~ B. Assessment ~~as used in these rules is synonomous with~~. "Assessment" has the same meaning as "screening" ~~as indicated below~~.

~~B.~~ C. Developmental screening ~~includes identifying~~. "Developmental screening" means identification of the motor, language, social-emotional, and cognitive status of the child.

D. Health maintenance referral. "Health maintenance referral" means a referral made for periodic medical or dental examinations, immunizations, or health or nutritional counseling.

E. Licensed, registered, or certified. "Licensed," "registered," or "certified" means licensed, registered, or certified in Minnesota.

~~C.~~ F. Parent ~~or parents include: 1) a biological~~. "Parent" means the mother ~~or~~, father, ~~2) an adoptive mother or father, 3) a~~ or legally appointed guardian~~, 4) in the event that~~. If a child is a ward of the Commissioner of Public Welfare or other public official, the parent is the commissioner or such official~~; or 5) when~~. If the parent or guardian is unknown or cannot be found after reasonable efforts have been made, ~~then such~~ the parent is an agency or other person appointed pursuant to *Minnesota Statutes* or court order.

~~D.~~ G. Preschool health and developmental screening program. "Preschool health and developmental screening program" or "screening program" means the systematic procedures developed to conduct screening ~~or~~ of preschool children ~~in accordance with Minnesota statutes~~.

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.

~~E.~~ H. Referral. "Referral" means an organized system for providing information ~~on~~ to the parent about agencies or ~~specialists~~ providers to be ~~utilized~~ used in evaluation, diagnosis, and treatment of problems identified through ~~the~~ screening ~~procedure~~ procedures.

~~F.~~ I. Screening. "Screening" means the use of procedures to sort out apparently well children from those in need of more definitive study of ~~physical~~ health or developmental problems.

~~G.~~ J. Screening personnel. "Screening personnel" means professional, paraprofessional, and volunteer staff ~~in local schools or contracted agencies~~ who ~~will~~ conduct activities ~~related to~~ as part of the ~~preschool health and developmental~~ screening program.

5 MCAR § 1.0721 Participation in program and delivery of services.

A. Available screening. All children ~~in the state of Minnesota~~ shall have available without cost the services of trained personnel to screen for possible health and developmental problems once prior to entering school.

B. Voluntary screening. Participation in the screening program by children ~~shall be~~ is voluntary, and ~~shall~~ can not be required for entry into school. ~~Parents~~ A parent may elect to participate in only a part of the screening program ~~if they so desire~~.

C. Methods of providing screening. ~~Preschool health and developmental~~ A screening ~~services~~ program shall be provided by all ~~local~~ school boards, with the consultation of local societies of health providers. If possible school boards, individually or in cooperation with other schools or agencies, shall~~, wherever possible,~~ contract with or purchase ~~service~~ services from ~~an~~ approved early and periodic screening ~~program~~ programs. ~~Where~~ If this is not possible~~,~~ or all services are not available, school boards may contract with other health care providers to operate screening programs. Volunteer screening programs shall also be integrated and utilized where available.

D. Coordination with other screening programs. ~~The Preschool~~ Screening ~~program~~ programs and follow-up shall be coordinated as far as possible with other health screening programs and providers to eliminate duplication of services and provide more efficient administration. School ~~districts~~ boards shall arrange for exchange of information on students with other health screening programs and providers. ~~Such~~ The exchange shall be consistent with 5 MCAR § 1.0724 D.

5 MCAR § 1.07221 School district plan and program report.

A. Annual plan. Annually each school district shall submit to the Department of Education a plan for implementing a preschool screening program. The plan must be in accordance with *Minn. Stat.* §§ 123.701-123.705 and 5 MCAR §§ 1.0720-1.0724.

B. Content of plan. The plan must be on forms supplied by the Commissioner of Education and contain substantially the following:

1. information identifying the district and the preschool screening coordinator;

2. information about the screening, such as the number and age range of the children to be screened, the estimated screening date, and program components;

3. whether advanced funding is requested; and

4. the assurance of the clerk of the school board and the superintendent or other authorized agent of the district that the district is in compliance with state laws and rules requiring that:

a. the public will be informed and actively encouraged to participate in the preschool screening program;

b. all staff will meet the qualifications as defined in 5 MCAR § 1.0723;

c. all required screening components will be offered in accordance with 5 MCAR § 1.0724 A.;

d. the required screening services will be offered at no direct cost to the participating parent;

e. a referral and follow-up process will be available;

f. no reimbursement request will be submitted for children whose screening has been paid for by other agencies or for costs reimbursed by other sources;

g. no reimbursement will be claimed for more than one screening per child; and

h. copies of the child screening form and the program cost report will be submitted to the Department of Education.

C. Effect of plan. The plan is submitted in consideration of and for the purpose of obtaining state aid from the Department of Education. The district shall agree that state aid is paid in reliance on the representations and assurances made in the plan. The assurances in B.4. are binding on the district and the persons who sign on behalf of the district.

D. Exceptions. Requests for exceptions to required components of the screening program must be made annually before the screening program is implemented. The State Board of Education shall grant an exception if the district provides evidence that it is not financially feasible for the district to provide one or more components.

E. Program report. Annually each school district shall submit to the Department of Education a report of the following information:

1. the number of children screened in required and optional components;

2. the number of children who were eligible for screening;

3. the district's cost by component; and

4. the average cost of any optional components and any fees charged for optional components.

F. Final aid payment. The final aid payment shall be paid at the conclusion of the screening program or the fiscal year, whichever occurs first. A district's plan must have been approved and report submitted before the aid is paid.

5 MCAR § 1.0723 ~~Staffing~~ Screening program staff.

A. Preschool screening coordinator. Each district shall designate a preschool screening coordinator to be responsible for administering all components of the screening program. The coordinator may be a volunteer.

B. Screening personnel ~~Screening shall be performed by qualified personnel~~ In selecting personnel ~~to implement the pre-school screening program~~ for screening programs, school districts shall give first priority to volunteers who have the qualifications required by D.-I. of this part. Second priority shall be given to others ~~possessing~~ who possess at least minimum qualifications and who can provide services determined to be most cost effective. ~~A person~~ Personnel may perform one or more of the functions described in ~~A. through F. of this section provided appropriate~~ 5 MCAR § 1.0723 if they meet each of the qualifications ~~are met. Each pre-school health and developmental screening program shall include the following screening personnel meeting the stated minimum qualifications:~~

C. Services delegated by professionals. If a qualified professional delegates services, the professional must assure that all delegated services comply with 5 MCAR §§ 1.0720-1.0724 and that adequate supervision is provided. The professional is responsible for services delegated and provided by other persons.

~~A. Nurse~~ D. Professional health screener qualifications. A person who performs professional health screening must be a licensed medical physician or a registered nurse. A screener who is a registered nurse must:

1. ~~A nurse currently licensed to practice professional nursing in the state of Minnesota shall be qualified to perform those pre-school screening functions permitted under the state nurse practice act, and~~

~~2. Who has~~ have successfully completed Department of Health training seminars ~~provided by the Minnesota Department of Health~~ or ~~participated in~~ equivalent training programs to prepare individuals to perform child screening as designated by the ~~Minnesota~~ Department of Health ~~to prepare individual to perform child screening.~~ in consultation with the Department of Education; and

2. have annually participated in at least five contact hours of continuing education in pediatric or health assessment. The hours must be offered through the Department of Health or meet the continuing education requirements of the Board of Nursing.

~~B. Clinic coordinator who shall be responsible for administration of all components of the pre-school screening program.~~

E. Developmental screener qualifications. A person who performs developmental screening must be licensed as a special education teacher, school psychologist, kindergarten teacher, prekindergarten teacher, or registered nurse and must have completed:

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.

1. training seminars provided by the Department of Education; or

2. equivalent training as determined by the Department of Education in consultation with the Department of Health.

~~C.~~ F. Vision and hearing ~~technician~~ screener qualifications. A person who performs vision or hearing screening must have been trained by:

1. ~~Who has been trained by~~ the ~~Minnesota~~ Department of Health to perform vision ~~and~~ or hearing screening~~.~~; or

2. ~~Who has been trained by~~ a program providing equivalent preparation as determined by the Department of Health in consultation with the Department of Education.

~~D.~~ G. Laboratory assistant~~,~~ ~~for programs with a laboratory component~~ qualifications. A person who performs laboratory tests must have been trained by:

1. ~~Who must be registered as a laboratory technician, or~~

~~2.~~ ~~Who has been trained~~ the Department of Health to perform the specific tests used in the screening ~~session under the supervision of a nurse trained in accordance with 5 MCAR Section 1.0723 A.~~ program; or

2. a program providing equivalent preparation as determined by the Department of Health in consultation with the Department of Education.

~~E.~~ H. Clinic assistant qualifications. A person who is a clinic assistant may perform vision, hearing, and developmental screening and measure height, weight, and blood pressure. A clinic assistant is a lay person or a paraprofessional who must be under the supervision of a professional qualified for the screening component for which the clinic assistant is used. The professional must be present at the screening site. A clinic assistant must have been trained by:

1. ~~Who has been trained by~~ Department of Education or Department of Health professional staff ~~in administering one or more of~~ to administer the health or developmental screening measures~~:~~ to be performed by the clinic assistant; or

2. ~~Who has been trained by~~ a program providing equivalent preparation as determined by the Department of ~~Health~~ Education or the Department of ~~Education~~ Health.

~~F.~~ I. Dental screener qualifications. A person who performs dental assessments must be a:

1. ~~Who must be a~~ licensed dental hygienist or a registered or certified dental assistant~~,~~; or

2. registered nurse who has been trained by the ~~Minnesota~~ Department of Health or approved by the ~~Minnesota~~ Department of Health in consultation with the Department of Education, as having been trained to perform dental screening~~.~~; or

3. licensed dentist, licensed physician, school nurse practitioner, or pediatric nurse practitioner using screening procedures according to 5 MCAR § 1.0724.

J. Volunteer. A volunteer may be a lay person, paraprofessional, or professional who performs screening without fee or payment. A volunteer may perform any of the screening components if the volunteer meets the qualifications established in 5 MCAR § 1.0723.

5 MCAR § 1.0724 Screening procedures.

A. Required components. Screening procedures shall include the ~~following~~ components~~:~~ in 1. to 6., unless an exception has been granted according to 5 MCAR § 1.0722 D.

1. A professional health screener must obtain a health history at an individual parent interview to review ~~of~~ past and present health status including immunization status and perinatal, psychosocial, and family health ~~and immunizations;~~ information.

2. ~~Developmental screening tests of~~ A developmental screener must measure the child's ~~development in the areas of~~ cognition, fine and gross motor ~~development,~~ skills, speech and language ~~development~~, and social-emotional development~~, and cognitive development by using procedures which shall include:~~. The procedures must include at least:

a. a parent report of the child's functioning history in ~~the areas of~~ skills development, emotional status, and behavior status; and

b. direct observation of the child's functioning ~~utilizing~~. Standardized developmental screening instruments approved by the ~~Minnesota~~ Department of Education ~~and which have;~~

~~(1)~~ must be used. They must contain norms for the age range tested and written procedures for administration ~~and~~, scoring, and interpretation.

~~(2) Norms for the age range being tested.~~

3. A hearing ~~tests: To test~~ screener must screen for deviations from the normal range of auditory acuity using the Puretone ~~Audiometric Screening Test. A~~ Audiometer or the Verbal Auditory Screening of Children ~~may be used for 4 year old children~~ (VASC).

4. A Vision ~~tests: To test~~ screener must screen for eye health, deviations from the normal range of visual acuity, and muscle balance ~~in the child. Approved programs must~~ The procedures include:

a. ~~Check the child for a history of maternal and/or neonatal infection and a family history of ocular abnormalities such as color blindness or retinitis pigmentosa.~~ an external inspection of the eyes, including lids, lashes, and surrounding area;

b. ~~Observe and examine the child's pupils and light following reflex, presence and absence of nystagmus, muscle balance, and an external examination of the eyes.~~

~~c.~~ muscle balance screening procedures ~~include~~, including at least an observation, alternate cover test, ~~and the Hirschberg test~~ and corneal light reflection or ~~a test with~~ equivalent ~~standards~~ screening procedures as determined by the Department of Health ~~or~~ in consultation with the Department of Education~~, which is appropriate for the age group being screened.~~; and

~~d.~~ c. ~~Test for visual acuity. A test~~ an instrument to screen for visual acuity such as the ~~Screening Test for Young Children and Retardates (STYCAR)~~ HOTV Chart, the Snellen E cube, the Snellen Alphabet E-Chart, or ~~a test~~ an instrument with equivalent standards, as determined by the Department of Health ~~or~~ in consultation with the Department of Education~~, must be used~~.

5. ~~Dental inspection: The child's mouth is to be inspected for any obvious oral or dental abnormalities~~ A screener must measure the child's height, weight, and blood pressure.

6. A professional health screener must conduct a summary interview with the parent on the health and developmental findings to explain the results and make referral recommendations.

B. ~~As of July 1, 1978, the~~ Optional comopnents. Screening ~~procedure shall, in addition to the components included in A. of this section,~~ procedures may also include the ~~following~~ components~~:~~ in 1. to 5.

1. Dental inspection of the child's mouth to detect obvious oral or dental abnormalities may be provided. If dental education is provided, it should include at least information about fluorides, snacks, sealants, and regular dental visits.

~~1.~~ 2. Physical inspection of the unclothed child ~~including~~ may be provided. If provided, it must include an inspection of pulse, respiration, ~~blood pressure,~~ head, eyes, ears, nose, pharynx, neck, chest, heart, lungs, abdomen, spine, extremities, joints, muscle tone, and skin ~~and neurologic reaction~~ according to normal procedures.

~~2.~~ 3. Laboratory tests~~:~~ ~~The following tests are to~~ may be ~~administered~~ provided and if provided, must be appropriate for the age and sex of the child ~~including:~~. The tests may include:

a. ~~Tuberculin.~~

~~b.~~ Urine (bililabstix)~~.~~;

~~c.~~ b. anemia testing (microhematocrit, hemoglobin)~~.~~;

~~d.~~ c. blood lead test for increased lead absorption and lead poisoning in children whose history indicates the possibility of exposure to undue levels of lead in the environment or atmosphere~~.~~; and

~~e.~~ d. sickle cell ~~testing: This~~ test ~~is to be~~ administered when indicated by the child's health history or physical inspection, and only with specific consent of the parent~~(s) or guardian(s)~~.

~~3.~~ 4. Nutrition ~~status review:~~ assessment ~~a review~~ of the child's food intake may be provided.

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.

5. Other optional components must be explained in the district's annual plan. Providers of optional components must meet the standards for screening personnel described in 5 MCAR § 1.0723.

C. Duplication of services. No ~~preschool~~ screening program shall provide a laboratory ~~tests~~ test, ~~a~~ health history, or physical assessment to any child who has ~~been provided with these~~ had the laboratory ~~tests~~ test, ~~a~~ health history, physical assessment, or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history, or physical examination conducted within ~~the~~ 12 months preceding a scheduled preschool screening ~~clinic~~ program, for inclusion in the school records in lieu of comparable information collected in the screening program. Procedures shall be developed for exchange of ~~student~~ information in accordance with ~~5 MCAR § 1.0724~~ D.

D. Private data. Data on individual ~~students in~~ children is private as defined by state statutes and shall not be disclosed to a third party, including the district, without the informed consent of the parent. All information must be made available to the ~~parents~~ parent.

E. ~~Upon identification of~~ Referrals. If a condition appears to be in need of diagnosis or further attention, ~~parents shall~~ the parent must be informed of appropriate agencies or ~~specialists~~ providers capable of performing needed services, such as the family physician, licensed school nurse, or special education programs.

F. Follow-up on referrals. A minimum of two attempts shall be made, at least one of which shall be in writing with return postage, to determine whether the recommended referrals were ~~utilized~~ used and were valid. The school district is not required to follow up on health maintenance referrals.

G. Inclusion in school records. Data on individual ~~students~~ children obtained in the screening program shall be incorporated into school district records, except as indicated in D. ~~of this section~~.

H. Medical assistance information. ~~Local~~ School districts shall request information from parents concerning medical assistance eligibility to make it possible for the district to comply with 5 MCAR § ~~1.0725 C~~ 1.07221 B.4.f.

I. Services prohibited. Diagnosis, treatment, or therapy shall not be provided in the ~~pre-school~~ screening program but ~~this does not preclude provision of such services~~ may be provided as a part of a related program.

J. Special education. Educational placement decisions, diagnostic conclusions, and objectives for individual educational plans may not be based solely or primarily on the screening data made available to the district from the screening program.

K. Fees. Districts may charge parents a fee for any of the optional screening components.

Repealer. 5 MCAR §§ 1.0722 and 1.0725 are repealed.

Relettering. Reletter 5 MCAR § 1.0724 G. as E. and reletter E. and F. as F. and G.

Department of Transportation

Proposed Rules Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and St. Paul

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to *Minnesota Statutes*, section 15.0412, subdivision 4, in Room 57, State Office Building, State Capitol Complex, 435 Park Street, St. Paul, Minnesota on September 21, 1982, commencing at 10:00 A.M. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing individual eligibility for special transportation service in the Metropolitan area of Minneapolis and St. Paul under the Metro Mobility Project in *Minnesota Statutes* section 174.31, subdivision 3(g) (most current amendment found at Minn. Laws 1981, Third Extra Session, Chapter 2, Section 19); which section requires the commissioner to establish criteria to be used in determining eligibility. The proposed rules, if adopted, generally would:

1. establish eligibility criteria,
2. provide for administrative procedures,
3. require evidence of disability,

4. require Medical verification of disability,

5. permit winter season and conditional certification,

6. and provide an appeal process.

A copy of the rules is attached. Additional copies of the proposed rules are now available and one free copy may be obtained by writing to:

Robert M. Works, Director
Transit Administration Section
Program Management Division
Minnesota Department of Transportation
820 Transportation Building
St. Paul, Minnesota 55155

Please be advised that interested members of the public who are visually handicapped may obtain, without charge, an audio recording of the rules in cassette tape form by contacting the:

Minnesota Department of Public Welfare
Bureau of Social Services
Blind and Visually Handicapped Program
Communications Center
Tape Librarian
1745 University Avenue
St. Paul, Minnesota 55104
(Telephone: 612-296-6723)

The printed rules will also be available at the door on the date of the hearing.

Notice is also hereby given that twenty-five (25) days prior to the hearing a statement of need and reasonableness will be available for review at the address given above of the department of Transportation and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule(s). Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Transportation therefore strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed rules governing individual eligibility for special transportation service in the Metropolitan area of Minneapolis and St. Paul. Statements may be made orally and written material may be submitted at the hearing. The Department of Transportation hereby requests those submitting written statements to provide a copy of said materials to the department address given previously, if possible. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Harry Seymour Crump, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7603, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by *Minnesota Statutes*, sections 15.0411 to 15.0417 and section 15.052; as well as by 9 MCAR sections 2.101 to 2.112 *(Minnesota Code of Agency Rules)*. If you have any questions about this procedure, call or write the hearing examiner.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report) or the

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.

department (in the case of the department's submission or resubmission to the Attorney General). The department expects that 50 persons may attend the hearing and it estimates that 1 to 2 hours will be necessary for the department to present its evidence at the hearing. It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rules for the two years immediately following its adoption within the meaning of *Minnesota Statutes*, section 15.0412, subdivision 7.

Please be advised that *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10A.01, subdivision 11 as any individual:

1. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

2. Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

Dated this 29th day of July, 1982.

Richard P. Braun
Commissioner

Rules as Proposed (all new material)

14 MCAR § 1.7025 Definitions.

A. Scope. Definitions of terms in 14 MCAR § 1.7025 apply to 14 MCAR §§ 1.7025-1.7037.

B. Appeal. "Appeal" means a request for additional review of an application under 14 MCAR § 1.7037 after the initial application has been denied.

C. Commissioner. "Commissioner" means the Commissioner of Transportation.

D. Disability. "Disability" means physical or mental impairment.

E. Handicapped. "Handicapped" means having a physical or mental impairment which limits one or more major life activities.

F. Mainline bus service. "Mainline bus service" means bus transportation that operates on fixed routes and schedules and is designed to serve the general public.

G. Major life activities. "Major life activities" means functions such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and caring for oneself.

H. Metro Mobility. "Metro Mobility" means the project for coordination of special transportation service in the Twin Cities metropolitan area established under *Minn. Stat.* § 174.31, subd. 1.

I. Motor vehicle. "Motor vehicle" has the meaning given to it in *Minn. Stat.* § 169.01, subd. 3.

J. Physical or mental impairment. "Physical or mental impairment" means any physiological disorder or condition; any anatomical loss; any mental or psychological disorder; and specific learning disabilities. The term includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; mental retardation; emotional illness; drug addiction; and alcoholism.

K. Special transportation service. "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private person, designed to serve only handicapped persons who are unable to use mainline bus service.

14 MCAR § 1.7026 Authority, purpose, and scope of rules.

A. Authority. Rules 14 MCAR §§ 1.7025-1.7037 are adopted pursuant to the requirements of *Minn. Stat.* § 174.31, subd. 3, clause (g).

B. Purpose. The purpose of 14 MCAR §§ 1.7025-1.7037 is to establish criteria to determine who is eligible for Metro Mobility special transportation services.

C. Scope. Rules 14 MCAR §§ 1.7025-1.7037 apply to persons in the Twin Cities area who request transportation services from the Metro Mobility special transportation project.

14 MCAR § 1.7027 Eligibility criteria. A person who requests Metro Mobility service is eligible for the service if the person is unable to walk or wheel one-fourth mile or more; or unable to walk up and down the steps of a mainline bus; or unable to wait outdoors for ten minutes or more; or unable to use mainline bus service because of a mental impairment.

A person with temporary disabilities is not eligible for Metro Mobility service.

14 MCAR § 1.7028 Individual certification number. An individual certification number shall be issued to an applicant found eligible under the criteria set forth in 14 MCAR § 1.7027. No person may use Metro Mobility service without a current certification number.

14 MCAR § 1.7029 Applications for certification numbers. Applicants shall request a certification number on forms provided by the commissioner. Application forms may be obtained from the Metro Mobility Transportation Center. All completed applications shall be delivered or mailed to the Metro Mobility Transportation Center.

14 MCAR § 1.7030 Application forms.

A. Information. Applicants shall submit at least the following information on the application form:

1. applicant's signature, certifying that all statements on the application form are true, and the date of signature;
2. applicant's name, address, telephone number, and any medical assistance number;
3. applicant's weight, date of birth, current Metro Mobility certification number, if any;
4. name and telephone number of person to notify in case of emergency;
5. applicant's disability and how it prohibits use of mainline bus service;
6. applicant's current mode of transportation, other than Metro Mobility; and
7. equipment the applicant uses when traveling outdoors, such as wheelchair, braces, orthopedic cane, walker, crutches, artificial limb, or white cane.

B. Answers. Applicants shall answer at least the following questions on the application form, explaining any negative responses to questions 7., 8., or 9.:

1. Is the applicant blind, deaf, or mentally handicapped? If so, has applicant received training in the use of mainline bus service? If applicant has not received training, why not? Would applicant agree to be trained in the use of mainline bus service? If not, why not?
2. Does the applicant need an attendant or escort when traveling? Explain.
3. Is the applicant's mobility limitation permanent?
4. Does the applicant need Metro Mobility service for all or only part of the year?
5. Does the applicant require a vehicle with a lift or ramp?
6. Does the applicant use a wheelchair? If so, can the applicant use an automobile or taxi?
7. Can the applicant walk or wheel for one-fourth mile in snow and in clear weather?
8. Can the applicant wait outdoors for ten minutes, both in temperature above 32 degrees Fahrenheit and in temperatures below 32 degrees Fahrenheit?
9. Is the applicant able to walk up and down steps of a mainline bus?

14 MCAR § 1.7031 Mental disability form.

A. Answers. An additional mental disability form must be submitted for a person with a mental disability that prohibits use of mainline bus service. Applicants must answer at least the following additional questions:

1. Does the applicant become overly anxious in unusual travel situations?
2. Is the applicant able to compare information cards with such things as signs, bus line numbers, and landmarks?

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.

3. Is the applicant able to ask for and understand assistance if lost?

4. Is the applicant able to follow directions and maintain attention to traveling?

5. Is the applicant able to cross streets in heavy traffic?

B. Names and date. The mental disability form must include the name of the applicant, name and relationship to applicant of person completing form, and date of completion.

14 MCAR § 1.7032 Medical verification form.

A. Submitting. It is the applicant's responsibility to obtain a ~~medical~~ verification form and send it to the physician, certified physical therapist, or licensed psychologist most knowledgable regarding applicant's disability. The appropriate physician, certified physical therapist, or licensed psychologist shall complete the form, describing applicant's mobility limitation and explaining how the disability interferes with use of mainline bus service, and submit it to the Metro Mobility Transportation Center.

B. Exemptions. A ~~medical~~ verification form is not required for persons confined to wheelchairs, or for persons who otherwise require lift or ramp service.

14 MCAR § 1.7033 False information. Persons who provide false information on the certification form, mental disability form, or verification form shall not be issued an individual certification number for use of Metro Mobility special transportation service.

14 MCAR § 1.7034 Winter season certification. Persons who require special transportation service during the winter months only are eligible to receive Metro Mobility service from November 1 through April 15. Persons who request winter season certification must submit regular Metro Mobility certification application forms. An applicant found eligible for seasonal certification shall be issued an individual certification number that shows seasonal certification status.

14 MCAR § 1.7035 Conditional certification. Persons who need temporary special transportation service until trained to use mainline bus service are eligible to receive Metro Mobility service for up to 18 months while receiving training. This conditional certification is dependent upon the applicant's agreement to complete training. Conditional certifications must be reviewed individually at six-month intervals.

Persons who request conditional certification must submit regular Metro Mobility certification application forms. An applicant found eligible for conditional certification shall be issued an individual certification number that shows conditional certification status.

14 MCAR § 1.7036 Certification appeals board. The commissioner shall establish a Metro Mobility Certification Appeals Board. The commissioner shall select board members and appoint a chairperson. Duties of members are as described in 14 MCAR § 1.7037. Board members may not alter eligibility criteria.

14 MCAR § 1.7037 Appeal process. Persons determined to be ineligible for special transportation service by Metro Mobility staff may appeal this initial decision through the following procedure:

A. The applicant shall submit to the manager of the Metro Mobility Transportation Center additional information and explanation regarding the applicant's inability to use mainline bus service.

B. The manager shall review the additional documentation, make the decision, and prepare a written statement of reasons for the decision. Notice of the decision and a copy of the statement must be mailed to the applicant.

C. If the applicant is dissatisfied with the manager's decision, the applicant may then appeal to the Metro Mobility Certification Appeals Board. The applicant shall mail a letter to the commissioner requesting a review by the appeals board. The decision of the appeals board is ~~final~~.

ADOPTED RULES

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

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

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

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

Department of Public Safety
Safety Administration Division

Adopted Rules Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers

The rules proposed and published at *State Register*, Volume 6, Number 44, pages 1810-1812, May 3, 1982 (6 S.R. 1810) are adopted as proposed.

Office of the Secretary of State
Election Division

Adopted Amendments to Rules Concerning Voter Registration (1 MCAR §§ 2.0101-2.1101), Preparation of the White Ballot (1 MCAR §§ 2.2101-2.2115), Absentee Voting Materials and Delivery Procedures (1 MCAR §§ 2.4101-2.4205), and Election Judge Training (1 MCAR §§ 2.5101-2.5119)

Rules as Adopted

The rules proposed and published at *State Register*, Volume 6, Number 42, pages 1735-1747, April 19, 1982 (6 S.R. 1735) are adopted with the following modifications:

1 MCAR § 2.1005 Electronic or automatic data processing system of maintaining duplicate voter registration records.

J. Voter registration cards. Any voter registration accepted by a county or municipality after the date of its notification to the Secretary of State of the election under *Minn. Stat.* § 201.071, subd. 5, and this rule, is defective if it does not contain the day and month of birth of the registrant. Voter registration cards must conform to the specifications of 1 MCAR § 2.0301, except that the card and instructions must be modified to indicate that the day and month of birth are not optional.

Department of Transportation
Public Transportation/Planning Division

Adopted Rules Relating to the Implementation of the State Rail Bank Program

The rules proposed and published at *State Register*, Volume 6, Number 41, pages 1711-1715, April 12, 1982 (6 S.R. 1711) are adopted with the following modifications:

Rules as Adopted

14 MCAR § 1.4011 Program criteria.

B. Funding criteria.

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.

1. The following criteria will be considered in determining whether a project will be funded:

e. the likelihood that no other entity will acquire ~~a~~ the rail line for an appropriate use.

14 MCAR § 1.4012 Acquisition of rail bank property.

A. Published list of proposed projects. The commissioner shall publish notice in the *State Register* listing the rail lines proposed to be acquired. The notice shall also be published once a week for two consecutive weeks in at least one newspaper of general circulation in ~~the areas~~ each county where the rail lines included in the list are located. After an initial publication, subsequent lists shall be published as necessary. The published list shall include the following information:

1. a statement that the list is published pursuant to *Minn. Stat.* § 222.63, subd. 3;
2. the name, length, and owning railroad of each line;
3. the counties where each line is located;
4. any identified future uses for each line;
5. the abandonment status of each line;
6. the name, address, and telephone number of the department's contact person; and
7. other pertinent information.

B. Initiation of title search. A title search of the property proposed for acquisition shall be initiated after the procedures under A. have been completed. For a rail ~~lines~~ line not yet abandoned, a title search shall be initiated after the owning railroad has filed an abandonment application with the appropriate decision making authority. To inform the public of its action the department shall publish a notice in at least one newspaper of general circulation in ~~the area~~ each county where the line is located.

C. Public information meeting. After the title search has been completed the department shall hold at least one public meeting to provide information and to seek comments from the public. Notice of the meeting shall be given by publication in at least one newspaper of general circulation in ~~the area~~ each county where the rail line is located. The meeting shall be held at least three days after publication of the notice. At least one meeting shall be held in ~~the area~~ each county where the rail line is located.

D. Decision to acquire. The commissioner shall decide whether or not to acquire a rail line after the public meeting. The decision shall be based upon the program criteria cited in 14 MCAR § 1.4011. The department shall publish notice of the decision in at least one newspaper of general circulation in ~~the area~~ each county where the line is located.

E. Notification to railroads. The department shall send a notice to each railroad that owns a rail line proposed for acquisition at the following times:

1. when the initial and subsequent lists of proposed acquisitions is published pursuant to A.;
2. when the public meeting notices are published pursuant to C.; and
3. when the department publishes notice of its decision pursuant to D.

~~E.~~ F. Simultaneous implementation of 14 MCAR §§ 1.4012-1.4014. The commissioner shall simultaneously implement the procedures for acquisition, utilization, or disposition of rail bank property when it is possible. The initial notices which are published in the *State Register* and newspapers shall include a statement noting which procedures are being implemented simultaneously.

14 MCAR § 1.4013 Utilization of rail bank property.

A. Notice to utilize rail bank property. The commissioner shall publish notice in the *State Register* when the department is considering utilizing banked property. The notice shall also be published once a week for two consecutive weeks in at least one newspaper of general circulation in ~~the area~~ each county where the property is located. The published notice shall include the following:

1. a statement that the notice is published pursuant to *Minn. Stat.* § 222.63, subd. 3;
2. the identifying name, length in miles, and acres of land of the property;
3. the counties where the property is located;
4. the purpose of the proposed use and the conditions under which the property would be utilized;
5. the name, address, and telephone number of the department's contact person; and
6. other pertinent information.

B. Public information meeting. After the procedures under A. have been completed, the department shall conduct at least one public meeting to provide information on the proposal for utilization and to seek comments. Notice of the meeting shall be given by publication in at least one newspaper of general circulation in ~~the area~~ each county where the rail line is located. The meeting shall be held at least three days after publication of the notice. At least one meeting shall be held in ~~the area~~ each county where the property is located.

C. Decision to utilize. The commissioner shall decide whether or not to utilize the property as proposed after the public information meeting. The department shall publish notice of the decision in at least one newspaper of general circulation in ~~the area~~ each county where the line is located.

14 MCAR § 1.4014 Disposition of rail bank property.

A. Notice to dispose of rail bank property. The commissioner shall publish notice in the *State Register* when considering disposing of property pursuant to *Minn. Stat.* § 222.63, subd. 4, or when required to dispose of property pursuant ~~ot~~ to *Minn. Stat.* § 222.63, subd. 5. The notice shall also be published once a week for two consecutive weeks in at least one newspaper of general circulation in ~~the area~~ each county where the property is located. The published notice shall include the following:

1. a statement that the notice is published pursuant to *Minn. Stat.* § 222.63, subd. 3;
2. the identifying name, length in miles, and acres of land of the property;
3. the counties where the property is located;
4. the reasons for and the conditions of the disposal;
5. the name, address, and telephone number of the department's contact person; and
6. other pertinent information.

B. Public information meeting. After the procedures under A. have been completed, the department shall conduct at least one public meeting to provide information on the proposed disposition and to seek comments. Notice of the meeting shall be given by publication in at least one newspaper of general circulation in ~~the area~~ each county where the rail line is located. The meeting shall be held at least three days after publication of the notice. At least one meeting shall be held in ~~the area~~ each county where the property is located.

C. Decision to dispose of property. The commissioner shall decide whether or not to dispose of property after the public meeting. The department shall publish notice of its decision in at least one newspaper of general circulation in ~~the area~~ each county where the rail line is located. When the property is to be sold because it has not been utilized, the notice shall include the following:

1. a statement noting the required six-month period which allows owners of private property adjacent to the banked property to make offers to purchase the property from the department; and
2. the name, address, and telephone number of the department's contact person.

14 MCAR § 1.4016 Administration of the state rail bank program.

A. Provision of information for continued rail ~~service~~ operations projects. The entity proposing a continued rail ~~service~~ operations project shall provide the commissioner with any pertinent information necessary to achieve proper evaluation and adequate administration of a project. The information shall include financial, commodity, cost and operations data, and other similar types of data and information.

C. Variance. The commissioner may approve a variance from any of the provisions of 14 MCAR §§ 1.4010-1.4016.

1. A variance shall be granted if:

a. the ~~rationale for~~ purpose of the rule in question can be ~~met~~ accomplished or exceeded by the specific alternate practice proposed for substitution;

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.

SUPREME COURT

Decisions Filed Friday, August 6, 1982

Compiled by John McCarthy, Clerk

49437, 51505 State of Minnesota vs. 49437 Roger Sipe Caldwell, Appellant, and Roger Sipe Caldwell, petitioner, Appellant, vs. 51505 State of Minnesota. Crow Wing and St. Louis Counties.

Appellant is entitled to a new trial where the uncontroverted testimony of the state's fingerprint expert, which was the only significant evidence tending to establish where he was when the murders of which he was convicted were committed, is subsequently discovered to have been incorrect.

The testimony of a witness may be considered newly-discovered evidence under the unique circumstances of this complex case, where the witness' name did not appear on the State's list of 207 prospective witnesses and where the statement that the witness originally gave police did not at that time contain information relevant to the case.

Prosecutorial misconduct in the form of accusations that the defense falsified evidence, remarks concerning appellant's failure to explain his whereabouts, and the elicitation of testimony previously ruled to be inadmissible, may be an additional factor favoring the granting of a new trial, despite the trial court's cautionary instructions to the jury.

A court's instructions that correctly state the law regarding the presumption of innocence and the State's burden of proof may be insufficient to overcome the prejudicial effect of a verdict form that requires the jury to determine the guilt or innocence of the defendant.

Reversed and remanded. Amdahl, C. J. Dissenting, Peterson, J., and Yetka, J. Took no part, Kelley, J.

81-557 James Thayer, *et al.*, Appellants, vs. American Financial Advisers, Inc., *et al.*, Defendants, and Merrill Lynch, Pierce, Fenner & Smith, Inc., *et al.* Hennepin County.

Trial court's denial of motion for default judgment against respondents was not an abuse of discretion, but refusal to enter default judgments against defendants was error.

The arbitration clause did not express an intent on the part of the parties to arbitrate the issue of fraud in the inducement, nor did the language used in the agreement comprehend arbitration of that issue.

Federal Arbitration Act, 9 U.S.C. §§ 1-13 (1976), does not preempt application of state law in cases brought in state courts involving arbitration agreements contained in interstate contracts.

Affirmed in part, reversed in part, and remanded. Amdahl, C. J.

81-729 Reliance Insurance Company, Appellant, vs. Phillip G. Arneson, Nicholas Von Arx. Dakota County.

Because acts of malpractice asserted by a client against his attorney occurred after the attorney's malpractice insurance policy had expired, the attorney's insurer was relieved of any obligation to defend and indemnify the attorney.

Reversed. Otis, J.

81-628 Roger W. White and Verla M. White, Appellants, vs. Arnold Jorgenson, individually and d/b/a Harris-Jorgenson Construction Inc. Dakota County.

Proof of strict common law fraud is not required to satisfy the second of the two-prong test adopted in *Victoria Elevator Co. v. Meriden Grain Co.*, 283 N.W.2d 509 (Minn. 1979).

Remanded. Yetka, J.

51872, 81-1085 State of Minnesota vs. Robert A. Jensen, Appellant. Hennepin County.

Evidence that victim of sexual assault was in reasonable fear of imminent great bodily harm was sufficient.

District court did not err in rejecting claim that criminal defendant was denied his right to testify in his own behalf at trial.

Affirmed. Wahl, J.

52085 State of Minnesota vs. Janet Bowley, Appellant. Beltrami County.

Evidence was sufficient to support conviction of defendant of theft over $2,500.

Affirmed. Kelley, J.

81-590 State of Minnesota vs. William G. Ford, Appellant. Hennepin County.

Evidence was sufficient to support defendant's conviction of conspiracy to commit aggravated robbery.

Defendant received a fair trial.

Trial court properly refused to order prosecutor to disclose identity of informant.

Although trial court erred in admitting contents of unavailable informant's tip, which named defendant as one of two men planning to commit a robbery, the error was nonprejudicial.

Trial court properly made defendant's sentence consecutive rather than concurrent.

Affirmed. Kelley, J.

81-628 In the Matter of the Petition for Disciplinary Action Against Ronald J. Johnson, a Minnesota Lawyer. Supreme Court.

Per Curiam.

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.

State Board of Education
Department of Education
School Financial Management Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Financial Accounting and Reporting

Notice is hereby given that the State Department of Education is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing financial accounting and reporting. The promulgation of these rules is authorized by *Minn. Stat.* § 121.902, Subd. 2, which requires the agency to maintain these rules.

The State Department of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Stan Tikkanen
807 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3384 and in person at the above address.

All statements of information and comment shall be accepted until September 17. Any written material received by the State Department of Education shall become part of the record in the event that the rules are promulgated.

Department of Health
Health Systems Division

Criteria for Waivers of Certificate of Need Review Pursuant to *Laws of Minnesota* 1982, chapter 614, section 6

Notice is hereby given that the Minnesota Commissioner of Health has adopted the above-entitled criteria effective on the date of this publication. The procedure for adopting the criteria is prescribed in *Laws of Minnesota* 1982, chapter 614, section 6.

I. Public Comments on Criteria is Proposed

On May 31, 1982 proposed criteria for waivers of Certificate of Need review related to the previously referenced law were

published in the *State Register*. Written comments were invited with a deadline of July 1, 1982 for their receipt by the commissioner. Written comments were received from two parties and are on file with the Department of Health. A description of these comments and the commissioner's reaction to them follows:

A. Section C: Criteria for Waivers

One commentator suggested that paragraph C.3., which relates to the period of time a project proposed for waiver may be subsidized from other patient revenue sources available to the applicant, be altered to extend such a period from two to three years. The rationale for this recommendation was that, in the commentator's opinion, project financial self-sufficiency is generally accepted not to be required until the third full year of operation. The commissioner did not accept this recommendation for change, since the language of C.3. clearly comports with the commentator's opinion; the requirement for budgeting self-sufficient operations does not apply until the third full year of operation.

The other commentator felt that paragraph C.3. placed too great a restriction on a hospital's pricing policies and stated that, in a period of intense competition, a hospital should be permitted to establish new projects with the flexibility of pricing related services below actual cost at the complete discretion of the hospital. The commissioner does not believe that this criterion is too stringent. Indeed, he feels that it should be recognized that, in contrast to the criteria for granting waivers pursuant to *Minn. Stat.* § 145.835, subd. (a) and (b), the criteria herein do not include such factors as consideration of the resultant increase in patient charges, review of possibility of unnecessarily duplicative services in the area, analysis of evidence that there will be a resultant effective or efficient operation or attention to the applicable health planning documents (7 MCAR § 1.662 D.2.). A great deal more flexibility therefore, would be granted by the proposed criteria than is accorded to other types of waiver under the Certificate of Need Act. The constraint objected to here reflects a concern that the pricing method for services reflects the actual costs of providing those services. If a service is extensively and permanently subsidized by another area of health facility operations, then the mere appearance of the pricing restraint associated with price competition (a major thrust behind the enactment of these waiver provisions) is achieved rather than any real economic advantage to the public. In such a circumstance the appearance would be that the added services were priced competitively, without the imposition of any additional financial burden on other types of purchasers of a health care firm's services; in actuality, the added service would be a "loss leader," and revenue shortfalls associated with the new service would be satisfied by "taxing" other purchasers of the firm's services. In the aggregate, no diminution, or reduction in the rate of increase, of consumer expenditures would occur, as is expected by the competitive hypothesis which gave rise to these new statutory classes of waiverable projects.

B. Procedural Aspects of the Criteria

Two additional procedural criticisms were raised by the second commentator. The first objected to the process in which the Health Systems Agency (HSA) and the commissioner consider the completeness of waiver requests. The essence of this point appears to be that a review for completeness, as opposed to a review of the merits, is unnecessary. The commissioner disagrees. Any review made by the department must be premised upon satisfaction of the relevant criteria. It is not possible to review for conformance to such criteria without the applicant's provision of information which is germane to those criteria. The completeness review process assures that the commissioner will possess such information. To accept the commentator's position would result in a situation in which the applicant would simply declare the statutory type of project it is pursuing, and be automatically entitled to a waiver. Such a result is inconsistent with any reasonable interpretation of the law and the department's responsibility for administering it.

The second claim raised by this commentator objected to the process in which a hospital might petition the commissioner for a decision independent of an HSA recommendation in situations in which the HSA fails to act within a reasonable period of time (30 days) or solicits irrelevant additional information. The recommendation of the commentator is that, rather than permitting an exceptional petitioning process, applications be automatically approved. The adoption of this recommendation would constitute on abandonment of the commissioner's substantive review responsibility, and is rejected. The process defined in this area was included at the recommendation of the hospital trade association, and is a fair response to the remote possibility of unnecessary delay or irrelevant information demands by the HSA (slight changes in the language in paragraph D describing this process have been made for purposes of enhancing the clarity of that section).

II. Adopted Criteria and Procedures for Decisions on Granting Waiver of Certificate of Need Review for Ambulatory Care Services, Experimental Projects and Demonstration Projects.

A. A request for a waiver under *Laws of Minnesota* 1982, chapter 614, section 6, clauses (c) or (d) must be submitted in writing by the applicant to the HSA in the form and according to the procedure specified in 7 MCAR § 1.662 D.3., with the exception of the requirement specified in 7 MCAR § 1.662 D.3.e. The request must also be accompanied by information relating to the criteria specified in paragraph C. that the applicant wishes to submit in support of the request.

B. The HSA shall not proceed with a recommendation until complete information is received. If any additional information is requested of an applicant, it must be relevant to the criteria specified in paragraph C.

C. The HSA recommendation and subsequent decision by the commissioner must be based upon evidence that the project for which a waiver is requested substantially fulfills the following criteria:

1. The project must be described in sufficient detail so that a determination of the appropriate type of state licensure and Federal certification can be made. If state licensure is required, there must be reasonable assurance that the project would meet relevant licensure requirements. If federal certification is to be sought, there must be reasonable assurance that the project would meet the requirements.

2. The applicant must demonstrate how comparative price information on the services provided as a result of the project will be disseminated. Such information must be in a manner consistent with *Laws of Minnesota* 1982, chapter 614, section 2.

3. The applicant must demonstrate that, by the end of the second full year of operation of the project, the prices for the services provided as a result of the project will be set at a level which will generate revenue sufficient to cover all expenses. This information on projected revenues and expenses must also demonstrate that any negative disparity between the expenses of providing services under the project and revenue derived from provisions of those services must be obtained from profit, surplus, retained earnings, venture capital or the like, and not through direct subsidy of the project from charges to patients receiving health services other than those to be provided as a result of the project.

4. For proposed experimental or demonstration projects, the applicant shall provide evidence that the service to be provided or the method of providing the service:

a. Is a service or service delivery method which is not currently available to the patients proposed to be served by the project;

b. Is based upon successful past experience or upon a well defined theory related to the service or service delivery method, for which the experience or theory indicates a likelihood that improved economic efficiency or effectiveness will occur as a result of the project;

c. Has identified sources of funding, both capital and operating; and

d. Is accompanied by an ongoing evaluation method scientifically designed to provide conclusions about improvements in the cost and quality of, and access to, the services to be provided as a result of the project; such evaluation method must also identify qualified personnel to be responsible for designing and conducting evaluation of the project.

D. Within 30 days of the receipt of a request accompanied by complete information, the HSA must submit to the commissioner its recommendation for granting or denying the waiver or the HSA shall indicate that no recommendation to the commissioner will be made. If the HSA fails to act within 30 days or if the applicant feels that the HSA requested information not reasonably related to the criteria in paragraph C, the applicant may petition the commissioner for the granting of the waiver without receipt of an HSA recommendation. Any recommendation must be accompanied by supporting rationale based on the criteria in paragraph C.

E. Within 30 days of receipt of the recommendation of the HSA or a petition submitted under paragraph D, the commissioner must notify the applicant and the HSA of the decision. If the commissioner deems a request to be incomplete, additional information related to the criteria in paragraph C may be requested, even though the HSA may have determined the initial request complete for its purposes.

F. Waivers granted under *Laws of Minnesota* 1982, chapter 614, section 6 (c) or (d) are subject to the requirements of 7 MCAR § 1.662 D.8., 9. and 10., 7 MCAR §§ 1.664 D. and E., and *Laws of Minnesota* 1982, chapter 614, section 7, subd. 4.

July 30, 1982

George R. Pettersen, M.D.
Commissioner of Health

State Board of Investment

Notice of Regular Meeting of Investment Advisory Council

The Investment Advisory Council and the State Board of Investment will meet on Friday, August 27, 1982 at 8:00 a.m. in Room 123, State Capitol, Saint Paul.

Department of Natural Resources Minerals Division

Notice of Intent to Hold State Copper-Nickel Lease Sale; State Lands to be Offered for Copper-Nickel Exploration

The Minnesota Department of Natural Resources hereby announces that plans are being developed to hold the state's seventh sale of copper-nickel exploration and mining leases during November or December of 1982. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's copper-nickel rules is to promote and regulate the prospecting for, mining and removal of copper, nickel and associated minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and addressment of certain environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for lease sale cover portions of the Greenstone formation in St. Louis, Itasca, Koochiching, Beltrami, Lake of the Woods, Roseau and Marshall counties. Some of the land being considered has been offered in previous copper-nickel lease sales, but in light of interest shown and geologic data and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

The exact time of the lease sale will be announced by legal notice at least thirty days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available at that time.

A map showing the general areas under consideration and further information regarding the state copper-nickel lease sale may be obtained from the Division of Minerals, Box 45, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone (612) 296-4807.

Pollution Control Agency

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Administration of the Minnesota State Water Pollution Control Fund and Federal Grant Funds Allotted to Minnesota (6 MCAR § 4.8034)

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the agency in preparing to promulgate revised rules for the administration of the State Water Pollution Control Fund and federal funds authorized for the Construction Grant Program. The promulgation of these rules is authorized by *Minn. Stat.* Chs. 115 and 116 (1980). This rule, in association with the agency's enabling legislation, provides authority for the State of Minnesota, upon approval of the Regional Administrator of the Environmental Protection Agency, to certify applicants for federal construction grants and subsequently, to the extent funds are available, provide state construction grants. The Minnesota Pollution Control Agency is the state agency designated by state law to administer this program.

The agency requests information and comments concerning the subject matter of these rules. Interested of affected persons or groups may submit statements of information or comment orally or in writing. Written or oral statements relating specifically to the subject matter of the rule should be directed to Mr. Duane L. Anderson at the address and telephone number listed below. Inquiries which relate to the rulemaking process should be directed to Mr. Paul Hoff at the address and telephone number listed below. Oral comments and inquiries will be accepted by Mr. Anderson and Mr. Hoff during regular business hours over the telephone and in person at the agency offices as follows:

Mr. Duane Anderson
Division of Water Quality
Minnesota Pollution Control Agency

1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7205

Mr. Paul Hoff
Public Information Office
Minnesota Pollution Control Agency

1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7283

All statements of information and comments shall be accepted until September 15, 1982. Any written material received by the Agency shall become a part of the record in the event that the rules are promulgated.

July 28, 1982

Louis J. Breimhurst
Executive Director

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, MN, 55155-1299; (612) 296-2805. Application deadline is September 7, 1982.

STATE CEREMONIAL BUILDING COUNCIL has 1 vacancy open for a public member. The council develops an overall restoration plan for the state ceremonial building (Governor's Mansion) and surrounding grounds; to solicit contributions to maintain and improve the public areas of the building. Members are appointed by the Governor. Members receive no compensation. For specific information, contact the State Ceremonial Building Council, 1006 Summit Avenue, St. Paul, MN 55105; (612) 296-2961.

MEDICAL POLICY DIRECTIONAL COMMITTEE ON MENTAL HEALTH has 3 vacancies open immediately. Prescribed qualifications include: 1 doctor, who is a Family Practitioner in Chemical Dependency; 1 doctor in Development Disability Pediatrics; and 1 vacancy for a Nurse/Administrator. The committee advises the Commissioner of Welfare on mental health and public policy. Members are appointed by the Commissioner of Welfare. Members receive $50 per diem plus expenses. For specific information, contact the Medical Policy Directional Committee on Mental Health, Dept. of Public Welfare, Centennial Bldg., St. Paul, MN 55155; (612) 296-3058.

CITIZENS' COMMITTEE ON VOYAGEURS NATIONAL PARK has 1 vacancy open for a member from St. Louis County. The committee researches all matters related to the establishment and operation of Voyageurs National Park; makes recommendations to the U.S. National Park Service and other federal and state agencies concerned. Members are appointed by the Governor. Quarterly meetings; members receive $35 per diem plus expenses. For specific information, contact the Citizens' Committee on Voyageurs National Park, 201-3rd Street, International Falls, MN 56649; (218) 283-3507.

INVESTMENT ADVISORY COUNCIL has 1 vacancy open immediately for a member with experience in general investment matters. The council advises the Board of Investment on policy relating to investments of state funds. Members are appointed by the Board of Investment. Members must file with EPB, and receive no compensation. For specific information, contact the Investment Advisory Council, MEA Bldg., Rm. 105, 55 Sherburne Ave., St. Paul, MN 55155; (612) 296-3328.

MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE to the Commissioner of Health has 1 vacancy open for a public member. No members shall be employees of the State Departmemt of Health. The task force will advise the commissioner on general Maternal and Child Health (MCH) matters, review MCH grant awards, make recommendations on MCH grant priorities and make recommendations on a process to distribute (federal) MCH block grant funds after July 1, 1983. Members are appointed by the Commissioner of Health. Meetings as needed; members receive expenses. For specific information, contact Community Services Division, Minnesota Department of Health, 717 Delaware S.E., Minneapolis, MN 55440; (612) 296-5377.

MINNESOTA PROPERTY INSURANCE PLACEMENT FACILITY (FAIR-PLAN GOVERNING COMMITTEE) has 2 vacancies open for public members. The facility administers the Fair-Plan Act to make property insurance available in urban areas. Members appointed by the Commissioner of Insurance. Three to four meetings per year; members receive no compensation. For specific information, contact the Minnesota Property Insurance Placement Facility, 12 South 6th St., Room 1229, Minneapolis, MN 55402; (612) 338-7584.

Minnesota State Retirement System

Notice of Regular Meeting, Board of Directors

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, August 20, 1982 at 8:30 A.M. in the office of the system, 529 Jackson Street, St. Paul, Minnesota.

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minn. Stat.* § 169.832

Order No. 66962

Whereas, the Commissioner of Transportation has made his Order No. 66400 as amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, 66807, and 66920 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minn. Stat. § 169.832, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minn. Stat. § 169.832.

It is hereby ordered that Commissioner of Transportation Order No. 66400 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

Trunk Highways

T.H. 32	— In St. Hilaire, from the Elevator entrance to Pennington County C.S.A.H. 3. (Effective August 1, each year.) (Seasonally restricted.)
	— From the Jct. with T.H. 102 in Fertile to Ullen. (Effective August 1, each year.) (Seasonally restricted.)
59	— From the Jct. with T.H. 2 in Erskine to the Jct. with T.H. 32 in Thief River Falls. (Effective August 1, each year.) (Seasonally Restricted.)
64	— From the Jct. with T.H. 34 East of Akeley to the Jct. with T.H. 200. (Effective August 1, each year.) (Seasonally restricted.)
71	— From the Jct. with T.H. 34 in Park Rapids to the Jct. with T.H. 200. (Effective August 1, each year.) (Seasonally restricted.)
200	— From the West State Line to the Jct. with T.H. 75 at Halstad. (Effective August 1, each year.) (Seasonally restricted.)

County Roads

Murray County	— C.S.A.H. 29 from the City of Hadley to T.H. 30. (Seasonally restricted.)
Watonwan County	— C.S.A.H. 10 from the Jct. with C.S.A.H. 23 in Lewisville to the Jct. with T.H. 15. (Seasonally restricted.)
Winona County	— (The following route was inadvertently omitted from Order No. 66400) C.S.A.H. 32 from Main Street to Junction Street in Winona. (Twelve months.)

August 9, 1982

Richard P. Braun
Commissioner of Transportation

Department of Public Welfare
Income Maintenance Bureau

Second Notice of Intent to Solicit Outside Opinion Concerning Revision of 12 MCAR § 2.047 (DPW Rule 47) Concerning the Medical Assistance Program in Minnesota

Notice is hereby given that the Minnesota Department of Public Welfare has developed, and is soliciting comments regarding, draft changes for the proposed revision of DPW Rule 47. The first notice was published in the *State Register* at 6 S.R. 1403.

DPW Rule 47 governs administration of the Medical Assistance Program in Minnesota, to include client eligibility, requirements for provider participation and covered and non-covered health care services. The statutory authority for the rule is *Minn. Stat.* § 256B.04.

A copy of draft changes has been made available to major groups and associations representing provider and recipient populations, and to appropriate county and state agencies. Additional copies of the draft are available for organized groups or

associations; however, cost prohibits distribution to individuals not representing a larger constituency. Requests for copies of the rule should be made in writing and addressed to:

Larry Woods
Department of Public Welfare
P.O. Box 43208
St. Paul, MN 55164

A series of proposed public meetings has been established to maximize public input into the revision of DPW Rule 47. Department staff will be available at the dates and times indicated to discuss proposed rule changes and to receive written and oral comments.

Date	Site
Tuesday, September 14	Room 608 Government Service Center 2nd St. & 4th Ave. Duluth, MN
Wednesday, September 15	Crying Wolf Room Hobson Memorial Union Bemidji State University Bemidji, MN
Monday, September 27	Auditorium, Room 15 Minnesota Veterans Home 51st & Minnehaha Minneapolis, MN
Tuesday, September 28	Community College Theater Rochester Community College Highway 14 East Rochester, MN
Tuesday, October 5	Classroom 102 Administration Wing Fergus Falls State Hospital Fergus Falls, MN
Wednesday, October 6	Room 219 I.L. Building Southwest State University Marshall, MN
Monday, October 11	Room 83 State Office Building 435 Park St. St. Paul, MN 55155

The agenda and schedule of the public meetings will be as follows:

9:00-12:00	Eligibility Criteria, Eligibility Process
12:00- 1:00	Lunch
1:00- 4:00	Program Administration, Covered/Non-covered Services

In addition to the public meetings, all interested persons or groups are requested to submit statements of information and comments either orally or in writing. Written statements may be addressed to Larry Woods at the previously noted address. Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-9943. All statements of information and comment must be received by October 15, 1982. Any written material received by the department shall become part of the hearing record.

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.

Office of Administrative Hearings

Notice of Request for Proposal for Statistics/Accounting Consultant

The Minnesota Office of Administrative Hearings (hereinafter "Office") is seeking the services of a statistics/accounting consultant for the 1983 fiscal year ending June 30, 1983. The consultant will assist hearing examiners in (1) calculating rates for public utilities by applying the Hearing Examiner's substantive or conceptual determinations to the accounting figures available, or (2) understanding and calculating projections, formulae and statistics used in complex energy and/or environmental hearings. Those applying must have experience in utility rate matters and/or applied statistics. More than one contract may be issued.

Applicants must be available for consultation at all times during the hearing process as may be needed. Persons or firms desiring to submit proposals to the office should notify Myron S. Greenberg, Hearing Examiner, Minnesota Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7607. All persons inquiring will be sent a Request for Proposal which will give more specifics. The final submission date for proposals is September 16, 1982.

Department of Corrections Correctional Industries

Notice of Availability of Contract for Marketing Services

The Minnesota Department of Corrections will issue a contract effective September 1, 1982 to March 1, 1983 to provide marketing and technical assistance to the Micrographics Industrial Program at the Oak Park Heights Correctional Facility. The contractor will be expected to select markets, conduct a sales program, and act as a liaison between customers and program management during the initial phase of operation. In addition, the contractor will provide technical assistance to the shop foreman and technical training to the sales staff. Contract cost is limited to $14,000.00.

For further information, contact:

Thomas F. Grogan
Industry Operations Director
430 Metro Square
St. Paul, MN 55101
(612) 297-2818

State Designer Selection Board

Request for Proposal for Design of a Parking Ramp

To architects and engineers registered in Minnesota:

The State Designer Selection Board has been requested to select a designer for a parking ramp at the University of Minnesota. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 P.M., September 15, 1982, 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 the appended material, 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) Identity 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 qualifications 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 Minn. Stat., 1981 Supplement, § 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. Designer 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.

7. PROJECT 4-82

Parking Ramp
University of Minnesota
Minneapolis Campus—West Bank
Estimate Cost $4,000,000.00

A designer is being sought for a parking ramp for the University of Minnesota, Minneapolis West Bank Campus. At this time, the designer will be responsible for work through construction documents.

The parking ramp is to be designed to accommodate 600 cars within four (4) levels of parking occupying an area approximately 153 feet by 310 feet. The parking ramp will be required to accommodate reserved, contract, and transient daily and hourly parking. The number of spaces assigned to each category of parking will need to be adjustable to satisfy demand.

Questions concerning the project itself may be referred to Clinton Hewitt at 373-2250.

Fred. W. Kegel, Jr., Chairman
State Designer Selection Board

Department of Education
Vocational-Technical Division

Notice to Retract Request for Proposals for Data Processing Services

The Operational Services Section of the Division of Vocational-Technical Education has found it to be in the best interests of the State of Minnesota to cancel the request for proposals that appeared in the *State Register* on Monday, August 2, 1982, Page 153, 7 S.R. 153. Questions may be directed to:

Ronald C. Dreyer, Management Information Specialist
Operational Services Section
Vocational-Technical Education Division
Department of Education
Room 551, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2421

STATE OF MINNESOTA

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

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

_____ Annual subscription $130.00

_____ Single copies $3.25 each

Minnesota Guidebook to State Agency Services 1982-83 A 750-page reference guide to services provided by Minnesota agencies.

_____ Single copy $9.00 + $.45 sales tax = $9.45 each

Session Laws of Minnesota—1981. Two volumes. Laws enacted during the 1981 legislative session. Inquire about back volumes. $25 + $1.25 (sales tax) = $26.25.

State Register Binder. Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

_____*State Register Binder* $6.00 + $.30 (sales tax) = $6.30* each

State Register Index. Contains cumulative findings aids to Volume 5 of the *State Register,* including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

_____Single copy $5.00

Worker's Compensation Decisions. Volume 34. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

_____Annual subscription $50.00

Documents Center Catalog—Spring/Summer 1982. Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

_____FREE COPY

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

EACH ORDER MUST INCLUDE ADDITIONAL $1.00 FOR POSTAGE AND HANDLING.

Name _____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

HE report
CHE 11/18

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
400 SUMMIT BANK BUILDING
310 SOUTH FOURTH AVENUE
MINNEAPOLIS, MINNESOTA 55415
(612) 341-7600

November 18, 1982

Mr. Richard P. Braun, Commissioner
Department of Transportation
411 Transportation Building
St. Paul, Minnesota 55155

RE: In the Matter of the Proosed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR Sec. 1.7025-1.7037, All New Material).
OAH Docket No. DOT-83-006-HC

Dear Commissioner Braun:

I enclose herewith and serve upon you by mail the Report of the Chief Hearing Examiner and the Report of the Hearing Examiner in the above-entitled matter together with the official record, and I am closing our file in this case.

YOurs very truly,

Harry Seymour Crump.

HARRY SEMOUR CRUMP
Hearing Examiner
(612)341-7603

HSC/eag
Encs.
CC: Mr. Gilbert Buffington
Special Assistant Attorney General

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA)
(ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF SERVICE

Eileen A. Gaiovnik, being first duly sworn, deposes and says that on the 18th day of November, 1982, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Reports of the Chief Hearing Examiner and the Hearing Examiner, DOT-83-006-HC

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat. §§ 16.54 (1980), a true and correct copy thereof on all persons at the addresses shown on the attached mailing list.

Eileen A. Gaiovnik

Subscribed and sworn to before me
this 18th day of November, 1982.

Donna L. Day

DONNA L. DAY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Commission Expires Jan. 25, 1989

Mr. RichardP. Braun, Commissioner
Department of Transportation
411 Transportation Building
St. Paul, Minnesota 55155

Mr. Gilbert Buffington
Special Assitant Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

DOT-83-006-HC

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR § 1.7025-1.7037, All New Material.

REPORT OF THE CHIEF HEARING EXAMINER

The above-entitled matter came on for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4d (1980) which provides in part:

> If the [hearing examiner's] report contains a finding that the proposed rule is substantially different from that which was proposed at the public hearing, or that the agency has not met the requirements of section 15.0412, subdivisions 4 through 4f, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, he shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected. If the chief hearing examiner determines that the need for and reasonableness of the rule has not been established pursuant to subdivision 4, clause (c), and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not proceed to adopt the rule until it has received and considered the advice of the commission; provided, that the agency is not required to delay adoption longer than 30 days after the commission's receipt of the agency's submission.

Based upon a review of the record in this proceeding, the Chief Hearing Examiner hereby approves the Report of the Hearing Examiner in all respects and specifically as to any finding of substantial change or of failure to comply with Minn. Stat. § 15.0412, subd. 4-4f (1980) or of failure to establish need for and reasonableness of the proposed rule. However, the following additional comments or methods of correcting the defects are necessary:

1. Finding No. 13. The defect in this rule may also be corrected by the adoption of standards and criteria by which other physical or mental impairments would qualify. Should the Department decide to delete the last sentence of this section in its entirety, the rule would continue to be improper as it would still be vague, leaving total discretion in the Department to determine what would qualify under the definition. Caution must be exercised by the Department in correcting this defect in that the modifications could result in a rule which is substantially different from the rule as proposed, which would necessitate a new notice and hearing. Also, additions to the list must be supported by the record.

new language added p. 2

2. Finding No. 16. The defect in this rule can be corrected by adding the words "elderly and others with special transportation needs". This addition would not constitute a substantial change in the rules. The Department must also review the rest of the rules to insure that all modifications necessary to carry out the legislative mandate discussed in this finding are accomplished.

3. Findings No. 33 and 39. In correcting the defects indicated by these findings, the Department is cautioned again to insure that any additions to the list of requested information are supported by the record and that they do not constitute substantial changes in the rule. It is also noted that the Examiner's discussion of the deletion of the phrase "at least" applies to both sections A and B of rule 7030 as well as rule 7031 A.

4. Findings No. 47 and 49. The Examiner found these rules to be vague because timelines for action were not included. The Chief Hearing Examiner agrees that the rules must contain reasonable timelines or deadlines by which action must occur. Without them, the Department would have absolute discretion in determining how long to "sit on" applications. A failure to act within a reasonable time could deprive persons of rights they may have under the law and these rules. Therefore, the rules must be amended by adding reasonable deadlines for action by the Department. Further, in order to make the deadlines mandatory rather than merely directory, a failure to act will result in automatic certification of eligibility. The Examiner has suggested certain time frames. The Department is not bound by those suggestions but must establish reasonable time frames. Finally, without the addition of the time frames, the rules has not been shown to be reasonable.

5. Finding No. 48. The rule implies that there is no appeal from the "final" decision of the appeals board. There is a presumption in favor of judicial review of agency decisions in the absence of statutory language to the contrary, MPIRG v. MEQB, 237 NW2d 375 (1975). An agency may not, by rule, deprive a person of the right of judicial review, if that right exists. It is clear that no hearing or right to hearing is contemplated by this rule. Rather, the rule provides a review of a decision based on the "paper work" or record. If a hearing, as that term is commonly understood, is contemplated, it must be a contested case under the Minnesota Administrative Procedure Act. Since it is not, a person aggrieved would not be able to utilize the provisions of Minn. Stat. § 15.0424 for purposes of appealing to the courts. Other remedies or judicial review sections of the statutes may be available which cannot be foreclosed by rule. This defect can be corrected by amending the last sentence in rule 7037 C so that it reads as follows: "The decision of the appeals board is the final agency decision."

In order to correct the defects enumerated by the Hearing Examiner and Chief Hearing Examiner, the agency shall either take the action recommended by the Hearing Examiner and Chief Hearing Examiner or reconvene the rule hearing if appropriate. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

If the agency chooses to take the action recommended by the Hearing Examiner and Chief Hearing Examiner, it shall, prior to submitting the rules to the Attorney General for review, submit to the Chief Hearing Examiner a

copy of the rules as initially published in the State Register, a copy of the rules as proposed for final adoption in the form required by the State Register for final publication, and a copy of the agency's Findings of Fact and Order Adopting Rules. The Chief Hearing Examiner will then make a determination as to whether the defects have been corrected and whether the modifications in the rules are substantial changes.

Should the agency make changes in the rules other than those recommended by the Hearing Examiner and Chief Hearing Examiner, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Hearing Examiner for a review in regard to substantial changes.

Dated: November 18th, 1982.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

DOT-83-006-HC

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR § 1.7025-1.7037, All New Material).

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner from the State Office of Administrative Hearings on September 21, 1982, at 10:00 a.m. in the State Office Building, State Capitol Complex, Room 57, Saint Paul, Minnesota, pursuant to Order for Hearing, dated July 29, 1982. This is a rulemaking proceeding conducted pursuant to Minn. Stat. Ch. 15 to determine whether the Commissioner of Transportation (Commissioner) has statutory authority to adopt the rules proposed and whether they are necessary and reasonable and may be adopted.

Gilbert Buffington, Special Assistant Attorney General, 204 Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, appeared as counsel for the Minnesota Department of Transportation (Department). Robert M. Works, Director, Transit Administration Section, Program Management Division, Minnesota Department of Transportation, 820 Transportation Building, Saint Paul, Minnesota 55155, appeared on behalf of the Commissioner.

Approximately 200 persons attended the hearing, 68 of them signed the hearing register and 39 of them spoke. The hearing continued until all persons present had an opportunity to be heard. Following the hearing, but before the expiration of the 20-day comment period authorized by the Hearing Examiner, 63 public comments and one comment from the Commissioner were filed with the Office of Administrative Hearings. In total 114 letters were received by the Hearing Examiner.

The Department of Transportation must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4d (1980), this Report has been submitted to the Chief Hearing Examiner for his approval. If the Chief Hearing Examiner approves the findings of this Report, he will advise the Department of actions which will correct the defects and the Department may not adopt the rule until the Chief Hearing Examiner determines that the defects have been corrected. However, in those instances where the Chief Hearing Examiner identifies defects which relate to the issues of need or reasonableness, the Department may either adopt the Hearing Examiner's recommendations to cure the defects or, in the alternative, if the Department does not elect to adopt the recommendations, it may submit the proposed rule to the

Legislative Commission to Review Administrative Rules for the Commission's advice and comment. Provisions relating to this submission to the Commission may be found in Minn. Stat. § 15.0412, subd. 4d (1980).

If the Department elects to adopt the recommendations of the Hearing Examiner and makes no other changes and the Chief Hearing Examiner determines that the defects have been corrected, then the Department shall submit the rule to the Attorney General for review of form and legality. If the Department makes changes in the rule other than those recommended by the Hearing Examiner, then it shall submit the rule, with the complete record, to the Chief Hearing Examiner for a review of the changes before adopting it and submitting it to the Attorney General. Procedures relating to this subsequent review by the Chief Hearing Examiner are set forth in Minn. Stat. § 15.0412, subd. 4e (1980).

When the Department submits the rule to the Attorney General, it shall give notice on the day of submission to all persons who requested that they be informed of the submission to the Attorney General.

Based upon all the testimony, exhibits and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On August 19, 1982, the Department filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Department's presentation.
(e) A Statement of Need and Reasonableness.

2. On August 16, 1982, a Notice of Hearing and a copy of the proposed rules were published at 7 State Register 202.

3. On August 11, 1982, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Department for the purpose of receiving such notice.

4. On August 19, the Department filed the following documents:

(a) The Notice of Hearing as mailed.
(b) The Department's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Department's list.
(d) The Statement of Need and Reasonableness.
(e) The names of Department personnel who will represent the Agency at the hearing.
(f) All materials received following a Notice of Intent to Solicit Outside Opinion published at 6 State Register 1564 on March 8, 1982.

5. On August 20, 1982, more than 25 days prior to the hearing, the Department filed a copy of the State Register containing the proposed rules.

The documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

6. The record remained open through Monday, October 11, 1982, for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 20 calendar days following the hearing.

Introduction

7. The above-captioned rules are newly proposed rules of the Commissioner. The Commissioner is authorized by law to adopt rules establishing criteria to be used in determining individual eligibility for special transportation services. Special transportation services refers to a project for coordination of special transportation services in the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2 (1980). This is better known to all by its operating title of Metro Mobility. The purpose of the project was to provide those who had special transportation needs with greater access to transportation. The system was to be tailored to meet individual needs in a cost-effective manner. The system is currently operating at maximum capacity, serving over 18,000 individuals who have been certified to use the service.

8. The Department solicited input from numerous community groups representing persons with various disabilities. The Department also studied special transportation systems in other major metropolitan areas prior to formulating the proposed rules. The proposed rules will clarify the Metro Mobility user certification system by making certification dependent upon permanent functional disabilities, and to channel the current Metro Mobility users to the most cost-effective mode of transportation. The achievement of these goals will cut costs by eliminating some of the current misuse of the Metro Mobility system and make available the service to other handicapped persons most in need of the service.

9. The regular route Metropolitan Transit Commission (MTC) buses receive a subsidy from the State of Minnesota of approximately 50¢ per rider, and the Metro Mobility vehicles receive an average subsidy of approximately $6.00 per rider for metropolitan trips and approximately $11.00 per rider for outer metropolitan area trips. The proposed rules based on functional limitations will result in a better match of needs with available services with the end result of providing the greatest number of transportation opportunities with the available resources.

Statutory Authority

10. Statutory authority to adopt rules pertaining to eligibility criteria is contained in Laws of Minnesota, 1981, Third Session, Ch. 2, Art. I, § 19. The provision reads as follows:

> Duties of the commissioner. In implementing the project the commissioner shall . . . (g) adopt rules by January 15, 1982 establishing criteria to be used in determining individual eligibility for special transportation services.

11. The January 15, 1982 deadline for adopting the proposed rules is a directory provision which does not result in the invalidation of the action taken by the Commissioner. Although this provision uses the mandatory language of "shall", the use of the words "may" and "shall" is not decisive of whether statutory provisions are directory or mandatory. Consideration should

be given to the subject matter, language of statute, important provisions, object intended to be achieved and legislative intent. The statutory provision fixing time, form and mode of proceeding of public offices are deemed directory because they are not of the essence of the act to be done but are designed to secure system uniformity and dispatching public business. See, Helle v. Wolner, 269 N.W.2d 31 (1978). Effective January 16, 1982, the 1981 Third Special Session of the Legislature provision containing the statutory authority and deadline for the adoption of the proposed rules was renumbered because a portion of the subdivision of the statute was deleted. Research showed that on July 1, 1981, the Commissioner's rulemaking authority first became effective. This task would have been an impossibility for the Department to complete within the time period given the fact that adopting rules in Minnesota requires at least 150 or 160 days to meet all of the statutory and rule requirements. Forty-five more days are required for publishing a notice to solicit outside opinion. The Hearing Examiner does take note of the fact that most of the provisions passed in the 1981 Third Special Session dealt with fiscal appropriations and fiscal responsibility. It appears that such a provision in a statute was made in error or in an anticipation of preventing objections based upon encumbrances of public funds to be spent in the next legislative session. The Legislature was only mandating the Department to formulate rules to make the Metro Mobility program more cost-effective.

12. The statute must be construed to mean that the Legislature intended the Department's authority to adopt the proposed eligibility requirements to be directory and not mandatory. As a general rule, where a statute does not declare what results shall follow a failure to do a required act, it is directory. 82 C.J.S., Statutes, § 376. It is the duty of the Commissioner to comply with the directory deadlines of the Legislature as nearly as practicable and the provisions of such statute may not be ignored to the prejudice of any one making timely objections. Fortunately, no one objected to the untimeliness of the promulgation of the proposed rules herein.

13. Proposed rule 14 MCAR § 1.7025 (hereinafter rules will be referred to by only rule and the last four digits), Definitions, defines terms which are used throughout the proposed rules. Subsection J, physical or mental impairment, received objections from the public because the definition did not include all conditions under physical or mental impairment such as diabetes and autism. The definition of physical or mental impairment uses the term "includes". The use of this term is a violation of a substantive provision of law because it permits unfettered discretion in classifying other types of impairments that are not stated in the rule. To correct this defect, the term "includes" must be deleted, and any additional requirements contemplated by the rules must be clearly set forth in the rule. As amended, this rule is needed and reasonable.

deleted - new language added p. 2.

14. Rule 7025 G., Major Life Activities, raised comments on whether social and recreational activities were left out of the definition because trips for such purposes have a low priority under the Metro Mobility system. The Department stated that "major life activities" were defined solely to clarify the meaning of "handicapped" and were not defined to set priorities on trips for purposes of Metro Mobility. Some comments indicated that social and

recreational trips are an important part of the major life activities of those using the Metro Mobility service. The Department considered social and recreational needs to be transportation services which the handicapped individual has the freedom to choose where and for what reason the person wishes to travel. The definition of major life activities contains the phrasing, "such as", which appears to connote the meaning of an example of some but not all the functions included under this definition. The term, as used in the context of the definition, is permissible because it lists general categories of activities. This rule is needed and reasonable.

15. Rule 7025 G. defines Metro Mobility as the project for coordination of special transportation service in the "Twin Cities metropolitan area" established under Minn. Stat. § 174.31, subd. 1. One comment indicated that the rule did not allow for certification of persons who live outside the metropolitan area. Laws of Minnesota, 1981, Third Special Session, Ch. 2, Art. 1, § 18 amended Minn. Stat. § 174.31, subd. 1, by deleting the reference for the project to serve persons living outside of the Twin Cities of Saint Paul and Minneapolis. Therefore, it appears that the legislative intent was to require the eligibility for special transportation services to apply only to the metropolitan area of Minneapolis and Saint Paul. The rule is needed and reasonable.

16. Rule 7025 K. defines special transportation service as that service designed to serve only handicapped persons who are unable to use the mainline service. This rule limiting the special transportation services to only handicapped persons narrows the scope of the statute establishing special access to transportation for the elderly, handicapped and others with special transportation needs in the metropolitan area. See, Laws of Minnesota, 1981, Third Special Session, Ch. 2, § 18, subd. 1(a). This is illegal and a violation of a substantive provision of law. United Hardware Distributing Company v. Commissioner of Welfare, 284 N.W.2d 820 (Minn. 1979). To correct this defect, the rules must be made to comply with the objectives of the enabling statute as intended by the Legislature. The Statement of Need and Reasonableness is silent as to the limited scope of the proposed rules. The public commented that the elderly should be considered in the proposed rules as part of the certification process.

complied p. 2.

17. All other provisions under rule 7025, Definitions, received no significant comments and are found to be needed and reasonable.

18. Rule 7026 C. limits the scope of the rules to persons in the Twin Cities area who request transportation services from the Metro Mobility special transportation project. The chairperson from the Governmental Operations Committee commented that the rules did not allow for certification of persons who live outside of the metropolitan area, so that they might use the system when they are in the service area. The Hearing Examiner finds this to be outside the scope of the proposed rules, although it is an excellent suggestion. Other comments received indicated that persons living in the outlying suburban areas would take a cab into the metropolitan area where they could utilize the services of the Metro Mobility system. The Hearing Examiner, however, realizes that it may not be feasible for the Department to

even consider this in a future rules hearing because of the increased costs associated with such an extended program.

19. Rule 7026 received no other major comments and is needed and reasonable.

20. Rule 7027, Eligibility Criteria, received major opposition from the visually impaired (blind) community members because the criteria is based upon functional limitations which would exclude the visually impaired from ridership on the Metro Mobility special transportation service unless the individual had another accompanying handicapped. Those visually impaired who spoke in opposition to this rule thought that the use of the Metro Mobility by the visually handicapped constituted only 5% of the riders or approximately 100 trips per day, on a round trip basis, and any misuse of the system by the blind community was minimal. There are a total of approximately 30,000 trips provided each month by the Metro Mobility system.

21. Some persons opposed to the eligibility criteria label the proposed rules as discriminatory for visually impaired or handicapped because each person ought to be considered on an individual basis. The Minneapolis Society for the Blind, St. Paul Society for the Blind and Minnesota State Services for the Blind and visually handicapped felt that additional verification procedures must be allowed to qualify those blind who need to use the Metro Mobility service 100% of the time and those who may require Metro Mobility service conditionally. The verification form for person who are blind is discussed below under Rule 7030.

22. A person meeting any one of the four criteria for eligibility is eligible for service. One comment suggested dropping from the first criteria the phrase "or wheel" one-fourth mile or more because the phrase was unnecessary since MTC indicated that no accessible mainline buses will be purchased in the future. The Department was aware of this fact and stated that the provision is included in the criteria in the event mainline buses become accessible in the future and thus, the rule would not have to be amended. The Statement of Need and Reasonableness recognizes the non-availability of non-accessible buses for wheelchair users. The use of the term "or wheel" is unreasonable and not supported by the record. There is currently no need for that phrase in the rule. The term should be deleted in all provisions where it is used. The remainder of criterion 1 reads that a persons is eligible if unable to walk one-fourth of a mile. As amended, this portion of the rule is needed and reasonable.

so amended at p. 2 et seq.

23. The Department studies indicated that 90% of current Metro Mobility users live within three blocks of a mainline bus stop. There were public comments that this provision is unreasonable because of cutbacks at MTC and some service routes. The Department agreed that MTC is reducing services but the cutbacks would have no effect on the criterion proposed. The Department learned that the cutbacks would reduce some scheduled routes to fewer runs but will not eliminate routes. This means that most people will still be within one-fourth mile of a bus route although they will not be able to catch the buses as frequently.

24. Criterion 2 bases eligibility upon the ability of an individual being unable to walk up and down the stairs of a mainline bus. This criterion

delineates functional limitations a person may have to qualify him or her for eligibility. If an individual cannot climb the 16 inches from the ground to the first bus step, it is reasonable to certify that individual to use Metro Mobility. Several written comments from elderly persons express concern about eligibility because of their age and other aging conditions which prevented them from using the mainline service. Criterion 2, read in conjunction with the enabling statute to include elderly persons would qualify those people for certification to use the Metro Mobility. The Hearing Examiner finds that this criterion (and other criteria in this rule) allows the handicapped individual including the visually impaired to be evaluated on a case-by-case basis because of functional limitations in order to qualify for use of the Metro Mobility. This criterion is needed and reasonable as proposed.

25. The question regarding the Metro Mobility policy on the use of escorts is, according to the Department, not a real problem. The Department restated their policy on escorts in a written comment to the Hearing Examiner following the hearing. The Hearing Examiner finds that the individual eligibility would not be affected by the use of an escort. It is suggested that the Department include a statement in the rule that the eligibility of a user would not be affected by the need for an escort.

26. Criterion 3 states an individual would be eligible for special service if unable to wait outside for 10 minutes or more. This criterion was based upon the limitation of individuals with certain disabilities to wait outdoors without endangering their health and well-being. A study of current travel patterns indicate that approximately 80% of the trips taken on Metro Mobility would require a waiting period of no more than 10 minutes, on an average, if made on the mainline bus service. The concern that the mainline bus service does not run every 10 minutes does not render this particular provision unreasonable. The wait period is based upon bus driver on-time performance and an average of all trips made within the metropolitan area. Assuming the time schedules are not exactly adhered to, the 10-minute wait period is not unreasonable. If the user of the mainline bus system plans his or her schedule appropriately, the vast majority of his or her trips should result in the arrival at the bus stop to coincide with the arrival of the bus. This rule was formulated to help those with dire problems. For most people, an exposure of even 20 minutes of difficult weather with adequate protection and clothing should not pose a serious problem. The Hearing Examiner finds this criterion needed and reasonable.

27. Criterion 4 states that an individual is eligible for special services when unable to use mainline bus service because of mental impairment. The Statement of Need and Reasonableness indicates that a majority of individual with these types of disabilities can be trained to use the mainline bus service with few problems. Some individuals with mental impairment cannot be trained to use the mainline bus service. This rule provides special services for those persons with functional disabilities of this type. Some comments indicated a misunderstanding that untrainable visually handicapped or impaired persons would come under this criteria. The rule, however, as currently written has no contingency plan for those who claim to be untrainable. Some people felt that the present wording would allow those who have a mental

handicap or excuse to use the Metro Mobility when they could be using the mainline bus service. Several comments received criticized this criterion because the words "mental impairment" were vague. They questioned whether anxiety is covered by the term "mental disability". Anxiety is not stated in the definition under mental impairment, although Rule 7031 A.1. refers to the term. The Examiner is of the opinion, as stated above, that the definitions did not include all of the terms and conditions contemplated by the Department in determining eligibility. If anxiety is to be included therein, then the definitions of all the terms conditions of mental impairment should be included in the definitions as well as that of anxiety.

28. One comment suggested that the fourth criterion be amended to include after the words "mental impairment" the phrasing "as a result of mental impairment the person cannot meet his or her travel needs by utilizing the mainline bus service". The Minnesota Service for the Blind commented that because many of its clients become blind after age 60, some of them are not able to become independently mobile even after going through several training programs. The Legal Advocacy for the Blind commented that visually impaired or handicapped individuals could qualify under the program by answering questions under Rule 703i in such a way to show that they are functionally disabled when it comes to independent travel. The Department implies that this is a functional limitation qualifying blind persons for Metro Mobility service, yet in its written comments, it contends that no contingency plan was available for those who claim to be untrainable. Although criterion 4 is not unreasonable and is needed, it is minimally clear exactly how the Department intends to apply it and may border on lack of sufficient notice to members of the public as to how it should impact upon their eligibility. It is suggested that the Department include additional language in this rule to clarify this criterion of mental impairment.

29. The second paragraph of Rule 7027 indicates that a person with temporary disability is not eligible for Metro Mobility service. Several persons criticized the use of the term "temporary disability" as being either unclear and not defined in the rules. One commentor thought that the temporary disability ineligibility conflicted with the winter and conditional certification. Many people apparently do not fully understand how the rules may apply to their temporary disability. The Statement of Need and Reasonableness indicates that this exclusion is necessary because a temporary disability could technically meet the eligibility criteria. One comment suggested that the definition of a qualifying disability as used by the Social Security Department would be a disability expected to last or can be expected to last for a continuous period of not less than 12 months. Another person thought the rules confused the length of disability with the severity of the disability and that the duration was an irrelevant factor which should not be considered in establishing eligibility. The Hearing Examiner finds the use of the term vague and thus impermissible. The rule violates a substantive provision of law. Can Manufacturers Institute, Inc. v. State, 289 N.W.2d 416 (Minn. 1979). To correct this defect, the Department must define temporary disability as contemplated within the meaning of the proposed rules. As amended,

the Department has demonstrated the need for and the reasonableness of the exclusion of persons with temporary disability.

30. Certifying persons with a temporary disability is not cost-effective. The number of people who could be eligible would be great. They would have to go through the whole certification process with the resulting greater administrative costs. The inconvenience to those temporarily disabled is outweighed by those needing the service who have permanent disabilities. This does not mean, however, that those people who have a disability which manifests infrequently but on a permanent basis (such as arthritis, for example) should be excluded from Metro Mobility. Those persons could qualify under criterion 1 or 2.

31. Rule 7027 should be amended to include a provision certifying persons with double functional limitations such as blindness and deafness. Several persons commented that those blind and deaf should be automatically certified and the Department agreed with the suggestions. This provision has been demonstrated in the record as both needed and reasonable.

so amended p. 3.

32. Rule 7028 - individual certification number, and rule 7029 - application for certification number, received no adverse comments and are both needed and reasonable. The second sentence of rule 7029 states that application forms "may" be obtained from Metro Mobility Transportation Center. The use of the term "may" in the context of this sentence is permissible and obviously indicates that the forms may be obtained at locations other than the Metro Mobility Transportation Center.

33. Rule 7030 set forth minimum questions and requests for information which can be made of the applicant by using the term "at least". Such phrasing permits the agency to impose additional requirements that are not articulated in the rule. This is impermissible and violates a substantive provision of law. This rule does not provide notice to the applicant of the additional requirements that must be met. To correct this defect, the term "at least" must be deleted and all and any requirements contemplated must be clearly stated in the rule.

deleted p. 3, 4

34. Rule 7030 A.6. asked the applicant's current mode of transportation. This drew several comments on the belief that this question endangered the potential certification of applicants who relied on friends or relatives for transportation and who can ride in private cars. The Department's response was that this question was used as a cross-check to determine whether people can use a mainline bus service or whether they truly need some form of special service.

35. Rule 7030 B.7. does not identify those persons who would have difficulty in rainy as well as snowy weather because the stability or usefulness of their crutch or support cane tips is hampered by the surface of mainline bus steps which are slippery when wet. Some comments indicated that persons should be considered for year-round eligibility rather than a winter seasonal certification because of the limitation on use of mainline bus service during rainy weather. The Hearing Examiner would suggest that the Department consider adding the term "rainy weather" in this rule although this rule is not unreasonable as proposed.

not added

36. Rule 7030 B.1. limits the responses to applicants who are blind, deaf or mentally handicapped. This rule limits the scope of the statute which includes elderly and others with special transportation needs in the metropolitan area. This is a violation of a substantive provision of law and such a defect can be corrected by including the elderly as an applicant. (See, Finding No. 16).

37. Several organizations suggested adding several questions to the eligibility application form. Similar forms were submitted which included additional questions for verification for use of Metro Mobility for persons who are blind. Some of the questions are already covered by the Department's application or amendments to the proposed rules. Other questions are an attempt to revise the eligibility criteria and thereby expand the number of users on the Metro Mobility system. The questions also enlarge upon the need to use certified orientation or mobility instructors and suggest that the instructors be able to certify persons for use of Metro Mobility service. This question is discussed below under medical verification forms. The form also combines questions from both the application forms and the mental disability form. Some commented that the applications forms and mental disability form should be combined because responses to the mental disability form is applicable to both mental and non-mental applicants. The Hearing Examiner finds that the Department has demonstrated the need and reasonableness for the application forms and the separate mental disability form as amended in the above Findings 33 and 36. It is clear that the application forms are to be filled out by the applicant or an assistant and that the mental disability form is to be filled out by other personnel qualified to certify the applicant for Metro Mobility.

38. Rule 7031 requests additional information from persons with a mental disability that prohibits use of mainline bus service. The Legal Advocacy for the Blind stated that the use of the term "mental disability" was insulting and that a more appropriate term to describe the mentally disabled and blind people with functional disabilities related to travel would be "mobility limitation". The Hearing Examiner is of the opinion that the information sought by the response in the form is reasonably covered by the caption of the form and can relate to the total emotional or intellectual response of an individual to his environment as defined in Webster's New Collegiate Dictionary and not solely to a person effected by a psychiatric disorder.

39. Rule 7031 includes phrasing in the second sentence that the applicant must answer "at least" the following additional questions. The phrase "at least" for reasons stated above permits the agency to impose additional requirements that are not articulated in this rule. This is a violation of a substantive provision of law. (See, Finding No. 33). This defect is corrected by deleting the phrase "at least" and including all terms and requirements contemplated in the rule.

40. Rule 7032 deals with medical verification forms. The term "medical" was opposed on the basis that the list of professionals qualified to complete the form should include non-medical personnel such as orientation and mobility instructors. Another comment was that a licensed psychiatrist is not a medically trained person and that the form should be simply entitled "Verification

Form". Another comment was that the word "medical" be replaced with "disability". Other persons questioned whether or not there may be a conflict of interest in allowing counselors and trainers to complete the application form. Many felt that rehabilitation counselors and orientation trainers may tend to keep people "disabled" as a means of continuing their programs. Several commented that the completion of the medical form by the rehabilitation counselors would cost the applicant less than having the applicant's disability verified by a physician or certified physical therapist or licensed psychologist. It is the Department's position that the proposed verification process represents a compromise position in which the process would not be extremely costly, complicated or degrading to the individuals requesting certification. One commentor stated that "professional" is so broad and that any number of individuals might be able to declare that their particular constituents "unable to be trained" and, therefore, eligible for Metro Mobility. Physicians, physical therapists or licensed psychiatrists are in the best position to give objective and untainted verification. The Hearing Examiner finds that the Department has demonstrated both the need for and reasonableness of this proposed rule.

41. Rule 7032 B. exempts persons confined to wheelchairs from completing the medical verification form. The rule uses the phrase persons who otherwise require lift or ramp service. The term "otherwise" may not be clearly understood by those reading the rules. Although it is not inherently impermissible, the Hearing Examiner suggests that the Department clarify this term "otherwise" in the proposed rule. One commentor suggested that including language that a person must be permanently bound to a wheelchair. This would avoid abuse of those using a wheelchair for eligibility requirements. The Hearing Examiner suggests that the Department consider this amendment; although, as written, they have demonstrated the need and reasonableness for the proposed rule.

42. Rules 7033 and 7034 received no adverse comments and are needed and reasonable as proposed. One comment suggested that a provision be included in rule 7033 to provide for revocation of certification upon discovering the applicant's information as being false. The Hearing Examiner suggests that the Department consider this proposed amendment. It is reasonable to include a provision in the rules for the revocation of certification for false information.

43. Rule 7035 - conditional certification - was supported by oral and written comments. Some suggested that the conditional certification period of 18 months be extended or expanded for use of the Metro Mobility for those requiring additional mobility training. Those opposing extending the 18-month period stated that it would slow down the training process for numerous blind persons if the conditional certification period of 18 months was extended. A training period of 18 months is reasonable and supported by the comments received in the record. The rules do not provide for blind or visually impaired persons who are untrainable. The underlying policy tests for functional disability and not type of disability. In order for an untrainable person to be eligible, that person would have to meet one of the four criteria.

44. The blind community was polarized by the non-automatic eligibility for those visually impaired. Some members of the blind or visually impaired community suggested that a blind person's eligibility should be determined based upon degree of blindness. The Department stated that consideration of the variability of a person's handicap in the certification process would be extremely difficult to administer and perhaps realistically impossible. Many members of the blind community did support the rules based upon functional limitations and not on types of disability. One comment indicated that there is a wide range of visual acuity from legally blind to totally blind with no light perception. The commentor stated that those who claim blind is only a characteristic or a nuisance have considerable vision left. Others stated that visual impairment or blindness is a handicap under any definition of the term and should be considered for eligibility based only on functional limitations as other handicapped persons under the rule. The Hearing Examiner finds that the Department has demonstrated the need for and reasonableness of rule 7035 as written.

45. Several persons commented on the availability of adequate training and rehabilitation processes in Minnesota. They question the quality and credentials of the programs for mobility training. The Examiner considers this fact to be outside of the scope of the proposed rules. One comment suggested that the term "trained" used in rule 7035 be defined. The Hearing Examiner would urge the Department to define the term "trained" as contemplated within the rules to clarify the use of the term.

defined p.2

46. Proposed rule 7036 establishes a Metro Mobility certification appeals board. Public comments supported the establishment of an appeals board. Many suggested that the rule include and identify the composition and make up of the board members, the length of term, and number of members. They suggested that the board includes representatives from all interested parties including the Department, the Metro Mobility, the handicapped community and the general public and someone qualified to judge the adequacy of the medical information form submitted. It was suggested that a doctor be included on the board. The Department commented that the composition of the appeals board should not be specified in the rules. It considers the establishment of the appeals board to be a management prerogative in which flexibility is needed to recruit the most appropriate individuals available. Such criteria might later be found impossible to meet. The Hearing Examiner finds that it is permissible for the Department to establish an appeals board in the rules. This would be an informal process and nonadversary. Since Minn. Stat. Ch. 174 (1980) does not confer a right to a formal hearing upon those found ineligible, it is assumed that the Legislature intended the process to remain informal and, as such, nonadversary. See, State of Minnesota, ex rel. Independent School District No. 276 v. Department of Education, 256 N.W.2d 619 (1977). The proposed rule states that board members may not alter eligibility requirements. The Examiner finds that the Commissioner's right to delegate this authority is reasonable based upon the existence of safeguards and eligibility requirements to protect the interests of those effected by the determination of the board. See, Davis, Administrative Law Treatise (1982 Supp.), § 3.15. The Department has demonstrated the need for and reasonableness of this proposed rule.

47. Rule 7037 establishes an appeals process, but fails to set timelines for each step. The appeals process was supported by members of the public, but many comments were received concerning the lack of timelines within the appeals process. The Department did not oppose the suggestion to include timelines in the appeals process. The Hearing Examiner finds the appeals process to be vague and incomplete. This is impermissible. The defect can be corrected by including the following timelines, based upon public comment. The following is an example of the timelines to be established:

(a) The applicant found ineligible should have 30 calendar days to appeal his or her ineligibility to the management of the Metro Mobility Transportation Center (management).

(b) The management is required to mail its notice of the decision and a copy of the statement within 15 calendar days of receipt of the appeal.

(c) The applicant should have a maximum of 30 calendar days to appeal the decision to the appeals board. The appeals board should have no more than 20 calendar days to make its decision.

If the project manager or the certification appeals board fail to act by a given deadline, then the applicant should automatically be certified. If the applicant fails to meet his or her deadline in the appeals process, the findings of eligibility shall stand.

48. Rule 7037 C. indicates that the decision of the appeals board is final. This provision is illegal because it conflicts with other provisions of law giving persons a right to redress. The Department must correct this defect indicating that the decision is final at this stage of the proceedings and for what purposes it is final. As amended, rule 7037 is reasonable and needed. so amended p. 7

49. It was suggested that the initial eligibility determination include a timeline of 20 calendar days following receipt of all applications and verification information. This violates a substantive provision of law. The Hearing Examiner finds that the rules are silent on this point and must include this provision to correct the defect.

50. Some people expressed displeasure over the voluntary non-compensatory nature of the appeals board. The Hearing Examiner finds that volunteers appointed by the Department would be the most cost-effective way of filling vacancies on the appeals board. The rules have standards specific enough that no specialized degree of expertise is required in the area to protect the rights of those affected by the proposed rule. The appeals board must base its decision on the established criteria and cannot alter them. It is reasonable to allow the Department the flexibility to select and make up the composition of the appeals board.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. The Department gave proper notice of the hearing in this matter.

2. The Department has fulfilled the procedural requirements of Minn. Stat. § 15.0412 (1980) and all other procedural requirements of law or rule.

3. The Department has demonstrated its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or

rule within the meaning of Minn. Stat. §§ 15.0412 (1980) and 15.052, subd. 3(3)(i)(ii) and (iii) (1980), except as noted in Findings 13, 16, 29, 33, 36, 39, 47, 48 and 49.

4. The Department has demonstrated the need for and reasonableness of the rules by presentation of facts in the record within the meaning of Minn. Stat. § 15.0412 (1980) except as noted in Finding No. 22.

5. The amendments and additions to the proposed rules which were suggested by the Department and Hearing Examiner after the publication of the proposed rules in the State Register do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 15.0412, subd. 4d (1980) and 9 MCAR §§ 2.210 A. and 2.211 (1980 ed.).

6. The Hearing Examiner has suggested action to correct the defects noted throughout this Report.

7. Because of Conclusions Nos. 3 and 4, this Report has been submitted to the Chief Hearing Examiner for his approval pursuant to Minn. Stat. § 15.0412, subd. 4d (1980).

8. A Finding or Conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Department from further modification of the proposed rules based upon examination of the public comments, provided that no substantial change is made from the proposed rule as originally published, and provided that the rule finally adopted is based upon facts appearing in the rules hearing record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the foregoing Findings and Conclusions.

Dated: November 10, 1982.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

DOT-83-006-HC

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR § 1.7025-1.7037, All New Material.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 21, 1982 before Harry Seymour Crump, a Hearing Examiner of the State Office of Administrative Hearings, on the above-entitled matter in compliance with the rule-making provisions of Minn. Stat. Ch. 14 (1982); and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 14.50, was issued to the Department of Transportation and;

WHEREAS, the Department has now determined to adopt rules; and

WHEREAS, the Department has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §§ 14.16, 14.51, and 9 MCAR § 2.111; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Department has cured the defects in the rule as required, except in Rule 14 MCAR § 1.7025 K. The use of the word "and" between the words "handicapped" and "elderly" is improper and must be deleted, inserting a comma in its place. The rule must relate to both handicapped persons and elderly persons, not just to handicapped persons who are elderly. corrected p.2

NOW, THEREFORE, upon receipt of this Order, the Minnesota Department of Transportation must make the changes as discussed above and resubmit the rules to the Chief Hearing Examiner for review and an order stating that all defects have been corrected.

Dated: February 14, 1983.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

Minnesota
Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

February 17, 1983

Phone 296-7590

Mr. Ron Ray
Office of the Revisor of Statutes
644 State Office Building
St. Paul, Minnesota 55155

Dear Ron:

Enclosed is a copy of Mn/DOT's proposed rules concerning individual eligibility for Metro Mobility transportation service. One additional change is necessary as a result of the Report of the Chief Hearing Examiner. I have indicated the change on the copy of the rules as well as enclosing a copy of the Chief Hearing Examiner's report.

If you have any questions on this, please give me a call.

Sincerely,

Nancy Moore

Nancy A. Moore
Special Projects Coordinator
Mn/DOT

Enclosures

An Equal Opportunity Employer

DOT-83-006-HC

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the State Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR §§ 1.7025-1.7037, All New Material).

ORDER OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 21, 1982 before Harry Seymour Crump, a Hearing Examiner of the State Office of Administrative Hearings, on the above-entitled matter in compliance with the rule-making provisions of Minn. Stat. Ch. 14 (1982); and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 14.50, was issued to the Department of Transportation and;

WHEREAS, the Department has now determined to adopt rules; and

WHEREAS, the Department has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §§ 14.16, 14.51, and 9 MCAR § 2.111; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Department has cured the defects in the rule as required.

NOW, THEREFORE, upon receipt of this Order, the Department has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register if approved by the Attorney General.

Dated this 25th day of February, 1983.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA)
(ss.
COUNTY OF HENNEPIN

Eileen A. Gaiovnik, being first duly sworn, hereby deposes and says:

That at the City of Minneapolis, county and state aforementioned, on the 25th day of February, 1983, she did serve the Order of the Chief Hearing Examiner, DOT-83-006-HC

upon The Commissioner of Transportation

by personally handing to Kenneth Bjork

Eileen A. Gaiovnik

Subscribed and sworn to before me
this 25th day of February, 1983

Donna L. Day

DONNA L. DAY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Commission Expires Jan. 25, 1989

Exhibit G

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR §1.7025-1.7037, All New Material).

Findings and Conclusions of the Commissioner of Transportation

Based upon all the testimony and written comments, and in response to the reports of both the Chief Hearing Examiner and the Hearing Examiner in charge of the rule proceedings, the Minnesota Department of Transportation makes the following:

AGENCY FINDINGS OF FACT

Findings No. 1-8. These findings of the Hearing Examiner are accepted and require no action.

Finding No. 9. The first sentence needs to be clarified. Based upon the standard nomenclature used by the Department of Transportation, a more accurate statement is as follows: "The regular route Metropolitan Transit Commission (MTC) buses receive a subsidy from the State of Minnesota of approximately 50¢ per passenger trip, and the Metro Mobility vehicles receive an average subsidy of approximately $6.00 per passenger trip for taxi rides and approximately $11.00 per passenger trip for all trips on the Metro system."

Findings No. 10-12. These findings of the Hearing Examiner are accepted and require no action.

Finding No. 13. This finding was also addressed by the Chief Hearing Examiner and requires the Department to amend the definition of "physical or mental impairment" as found at Rule 7025 J. The Hearing Examiner directed that the term "includes" be deleted. The Chief Hearing Examiner counseled that the defect might be corrected by the adoption of standards and criteria by which other physical or mental impairments would qualify. The term "includes such" has been deleted as required and replaced by the term "describes all." This phrasing provides a completely open-ended standard by which all impairments would qualify. This is acceptable to the Department since the Department did not intend to exclude anyone from the opportunity to be evaluated against the eligibility criteria to be established. Such a change is supported in the record in a letter from Colleen Look of Brooklyn Center, dated September 24, 1982. She states that the definition in question does not include all disabilities and that we "need to include all disabilities." Although not specifically addressed by the Hearing

Examiner, we have inserted the term "and mental disorders" in the second sentence of the definition which we recognize as an oversight on our part, mental disorder having been addressed in the first sentence of the definition and being descriptive of some of the conditions in the list following. We have further corrected the defect in the definition by inserting the words "such as" before the listing of qualifying conditions. Using the same reasoning put forth by the Hearing Examiner in Finding No. 14, the phrasing "such as" connotes the meaning of an example of some but not all the functions included under this definition. To satisfy the objections of the public we have added autism, arthritis, and diabetes to the list of conditions. The addition of autism is supported by a letter from Mary Powell, President of the Twin Cities Society for Autistic Children, dated September 1, 1982. The addition of arthritis is supported in the hearing transcript in statements by Bea Fox (p. 68), Thomas Heinl (p. 47), Janet Staples (p. 91), and Jean Bublitz (p. 155). The addition of diabetes is supported in a letter from Leonard J. Graves of Richfield, dated September 21, 1982 and in a letter from Dorothy M. Peters of Golden Valley, dated September 22, 1982. It is also supported in the hearing transcript in statements by Bea Fox (p. 69) and Thomas Heinl (p. 47).

Findings No. 14-15. These findings of the Hearing Examiner are accepted and require no action.

Finding No. 16. This finding was also addressed by the Chief Hearing Examiner and it requires the Department to correct the definition of "special transportation service" so as to comply with the objectives of the enabling statute. In keeping with the counsel of the Chief Hearing Examiner, the Department has corrected the defect by adding to the definition of special transportation service the words "and elderly" and the words "and others with special transportation needs."

Findings No. 17-19. These findings of the Hearing Examiner are accepted and require no action.

Finding No. 20. The record should correctly state that the visually handicapped constitute approximately 100 trips per day on a one-way trip basis, not a round trip basis.

Finding No. 21. This finding of the Hearing Examiner is accepted and requires no action.

Finding No. 22. As required, the Department has deleted the phrase "or wheel" in all places where it was used. It was deleted at Rule 7027 and at Rule 7029 B. 7.

Findings No. 23-24. These findings of the Hearing Examiner are accepted and require no action.

Finding No. 25. In the matter of escorts, it was suggested by the Hearing Examiner that the Department include a statement in the rule that the eligibility of a user would not be affected by the need for an escort. This was not required by the Hearing Examiner and the Department has decided that it does not wish to apply this suggestion.

It is the position of the Department that the escort policy is not within the scope of these rules. It is an operations policy of the Metropolitan Transit Commission that needs to be addressed by them and further publicized by them if the public is confused or uninformed.

Finding No. 26. This finding of the Hearing Examiner is accepted and requires no action.

Findings No. 27-28. In both Findings No. 27 and 28, the Hearing Examiner focuses on the fact that the Department has no contingency plan for those who claim to be untrainable and suggests in Finding No. 28 that the Department include additional language in Rule 7027 to clarify the fourth eligibility criterion of mental impairment. To correct the defect of having no contingency plan and to clarify the fourth criterion, the fourth criterion has been expanded so as to read "unable to use or learn to use mainline bus service because of a mental impairment or learning disability." Similar language was used in developing a definition of the word "trained" (as suggested in Finding No. 45) and was added to the questions under Rule 7030 B. 1 and to the language regarding the medical verification form at Rule 7032. Clarifying the fourth criterion in the way it was done necessitated its clarification in these other areas. By doing the latter, the Department has built continuity into the rules on this issue and has developed a cross-checking system that is similar to other aspects of the application process established by the rules.

The use of the term "learning disability" is supported in the record by letters and hearing testimony. Letters from blind people or from those who have worked with blind people testify to the inability of some people to learn travel techniques that would allow the use of mainline bus service. These letters are as follows:

Barb O'Connor - Minneapolis, Minn. - Dated September 19, 1982
Katherine Schulz - Minneapolis, Mn. - Dated September 17, 1982
Kenneth A. Johnson - Minneapolis, Mn. - Dated September 14, 1982
Janice Betker - St. Louis Park, Mn. - Dated September 13, 1982
Mrs. E. Dack - Minneapolis, Mn. - Dated August 27, 1982
Torger and Jennie Lien - Minneapolis, Mn. - Dated September 16, 1982
Ramsy Action Programs/Paul Sand - St. Paul, Mn. - Dated September 21, 1982
Lynnette Lijewski - Dated September 20, 1982

A written statement to the same effect was submitted by James O'Keefe, Assistant Administrator, State Services for the Blind and Visually Handicapped. Training problems were also referred to at the hearing in testimony from Kenneth A. Johnson (p. 62-63 of the transcript), Theadore Lean (p. 71-72), and Bea Fox (p. 70). We believe the changes made are also supported by the hearing statement submitted by the State Council for the Handicapped. This group suggested that the fourth criterion read "in the judgement of a competent professional, unable to benefit from training in the use of mainline bus service," later stating that "the professional should be the individual who has the authority

to complete the verification form specified in 14 MCAR 1.7032."

Further, the Department believes that by making the term "learning disability" available to the blind, it overcomes the complaint that mental impairment is not appropriate to the blind and destructive of their self-esteem. A letter from David Hoiland of Legal Advocate for the Blind, received by Administrative Hearings on September 27, 1982, states that such implications are "insulting," while hearing testimony by Bea Fox calls such terminology "unkind and abusive," with "a strong negative connotation" (p. 69-70 of the transcript). The availability of the term "learning disability" answers such objections.

As to the question raised in Finding No. 27 regarding the term "anxiety," the Department's position is that this is not a type of mental impairment. It is referred to in Rule 7031 A. 1 only in relationship to the truly mental impaired, such as the mentally retarded. The questions in Rule 7031 A were developed by a Mobility specialist trained in working with the mentally handicapped and the question at Rule 7031 A. 1 simply recognizes the special anxieties that can incapacitate such people. It does not refer to the anxiety which is a neurotic condition of the majority of people at some point or another in their lives.

Finding No. 29. This finding requires the Department to define the term "temporary disability." The Department has responded by defining it as "a disability expected to last for less than one year." This definition is supported in the record by letters from Minneapolis Chapter of Indoor Sports Club, Inc. (dated September 21, 1982) and from Handi-Action, Inc. of Lake Elmo (dated October 8, 1982). Both letters suggest that the definition be based upon the Social Security definition of a qualifying disability, which is a disability expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." Using this as a basis, if a qualifying disability is one expected to last not less than one year, a temporary disability would then be one expected to last for less than one year. The definition of "temporary disability" has become Rule 7025 L.

Finding No. 30. This finding of the Hearing Examiner is accepted and requires no action.

Finding No. 31. As required by the Hearing Examiner, Rule 7027 has been amended to allow a person both blind and deaf to be automatically certified. The Department has added the following language to Rule 7027: "A person having the double limitations of blindness and deafness is automatically eligible."

Finding No. 32. This finding of the Hearing Examiner is accepted and requires no action.

Finding No. 33. As required by the Hearing Examiner, the term "at least" has been deleted from Rule 7030 A and 7030 B. All requirements contemplated in Rule 7030 A are as set forth in the rules originally proposed and no additions have been made. Two questions have been added to Rule 7030 B. 1 as explained at Findings No. 27 and 28. The caution of the Chief Hearing Examiner has been duly recognized in this instance.

Finding No. 34. This finding of the Hearing Examiner is accepted and requires no action.

Finding No. 35. In this finding, the Hearing Examiner suggested that the Department consider adding the term "rainy weather" to Rule 7030 B. 7. This was not required by the Hearing Examiner and the Department has chosen not to apply this suggestion. This decision was made because allowing an exception for rainy weather could not be administered practicably and would result in year-round certification for people with problems in rainy weather. That is, since the Metro system requires a day-ahead call-in, a person would have to anticipate rainy weather a day in advance in order to arrange a ride. The only other way to avoid rainy weather would be to have a standing order for daily pick-up, which is not practical and something only a person certified year-round should have. Also, it is felt that the problems faced by the handicapped in rainy weather are not that much different from the problems experienced by the general population.

Finding No. 36. The Department believes it has answered this finding by its response to Finding No. 16, in which the elderly were added to the definition of "special transportation service." It would not be appropriate to add the term "elderly" to the question at Rule 7030 B. 1 since the question seeks information that only needs to be known about the blind, deaf, and mentally handicapped to determine their eligibility vis-a-vis their training and ability in the use of mainline bus service. Only those elderly who are also blind, deaf, or mentally handicapped would have to be concerned with the questions at Rule 7030 B. 1.

Findings No. 37-38. These findings of the Hearing Examiner are accepted and require no further action. The Department believes it has responded to the special concerns of blind people as discussed at Findings No. 27 and 28.

Finding No. 39. As required by the Hearing Examiner, the term "at least" has been deleted from Rule 7031. All requirements are as set forth in the rules originally proposed and no additions have been made. The caution of the Chief Hearing Examiner has been duly recognized in this instance.

Finding No. 40. This finding of the Hearing Examiner is accepted and requires no action.

Finding No. 41. The Hearing Examiner suggested that the Department clarify the term "otherwise" in Rule 7032 B. The Department has done so by expanding the phrase to read "persons who otherwise because of their disability require lift or ramp service." The Department chose not to apply the suggestion to add language stating a person must be permanently bound to a wheelchair. The Department does not perceive that there will be abuse of wheelchairs to achieve eligibility and finds this unnecessary and perhaps in potential conflict with other exemptions for those who need lift or ramp service.

Finding No. 42. The Department was very much in favor of the Hearing Examiner's suggestion in this finding. Accordingly, the Department has added the following statement to Rule 7033: "If it is found that certification has been granted on the basis of false information given, individual certification shall be revoked."

Findings No. 43-44. These findings of the Hearing Examiner are accepted and require no action.

Finding No. 45. As urged by the Hearing Examiner, the Department has defined the term "trained" to clarify the use of the term. "Trained" has been defined as "a term applied to a person who has acquired the skills to use mainline bus service and is not prevented from doing so by a mental impairment or learning disability." This definition has become Rule 7025 M. An explanation of the rationale and justification for this definition is discussed at Findings No. 27 and 28.

Finding No. 46. This finding of the Hearing Examiner is accepted and requires no action.

Finding No. 47. This finding was addressed by the Chief Hearing Examiner as well as the Hearing Examiner. The finding is that the appeal process is vague and incomplete because timelines were not included. The Department has added timelines throughout Rule 7037 as required, but has not used the ones suggested by the Hearing Examiner. As noted by the Chief Hearing Examiner, the Department is not bound by these suggestions but had to establish reasonable time frames. The Department feels it is reasonable to give the Metro Mobility Center Manager as well as the Appeals Board 30 days to make their decisions, just as the applicant is given 30 days to make an appeal. Not knowing the number of appeals that might arise at a given time, the time constraints of volunteers constituting the appeals board, and the time constraints on Metro Mobility management in the event of possible funding cutbacks, the Department feels these time frames are reasonable. As required by both the Hearing Examiner and Chief Hearing Examiner, the time frames have been made mandatory by adding Section D to Rule 7037 as follows: "If the Manager of the Metro Mobility Center or the certification appeals board fail to act by the given deadline, then the applicant shall be automatically certified. If the applicant fails to meet his or her deadline in the appeals process, the finding of ineligibility shall stand."

Finding No. 48. The Hearing Examiner has stated that Rule 7037 C is illegal because it indicates that the decision of the appeals board is final when, by law, a person has a further right to redress in the courts. This defect has been corrected by following the suggestion of the Chief Hearing Examiner, changing the rule to read: "The decision of the appeals board is the final agency decision."

Finding No. 49. As required by the Hearing Examiner, a timeline has been established for the initial eligibility determinations. The following has been added to Rule 7029: "A determination of eligibility shall be made within 30 calendar days of the receipt of the application and

all verification information." The Department has chosen 30 days rather than the 20 days suggested and believes that it is reasonable given the time/money constraints on Metro Mobility management.

Finding No. 50. This finding of the Hearing Examiner is accepted and requires no action.

Based upon the foregoing Findings of Fact, the Department of Transportation makes the following:

CONCLUSIONS

1. The Department has responded to all of the findings of the Hearing Examiner and followed the counsel of the Chief Hearing Examiner in specific instances as noted.

2. In responding to the report of the Hearing Examiner, the Department has made all required changes and heeded non-mandatory suggestions as it deemed appropriate.

3. In responding to Findings No. 27 and 28, the Department has made changes in the rules not specifically recommended by the Hearing Examiner but which are necessitated by the clarification which the Hearing Examiner suggested that the Department provide.

4. All modifications of the proposed rules are based upon examination of the public comments, make no substantial change from the proposed rule as originally published, and are based upon facts appearing in the rules hearing record.

Date: 2-3-83

Richard P. Braun
Commissioner of Transportation

Subscribed and sworn to before me
this 3rd day of February, 1983.

Colette E. Prokop
Notary Public
Ramsey, County, Minnesota
My Commission expires 9-13-86

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

State of Minnesota

Department of Transportation

Division of Public Transportation

In the Matter of the Proposed Rules Pertaining to Eligibility Criteria for the Metro Mobility Special Transportation Project

Statement of Need and Reasonableness

The Minnesota Commissioner of Transportation (hereinafter "Commissioner") pursuant to Minn. Stat. § 15.0412, hereby presents facts establishing the need for and reasonableness of the proposed rules pertaining to Eligibility Criteria for the Metro Mobility special transportation project and justification for their adoption.

The facts which establish the need for, and reasonableness of the rules, are presented in four categories:

A. Statutory Authority
B. General Statement of Need
C. General Statement of Reasonableness
D. Rule by Rule Statement of Need and Reasonableness

A. Statutory Authority

The above captioned rules are newly proposed rules of the Commissioner. The Statutory Authority of the Commissioner for promulgation of these rules is Minn. Stat., 1981 Supp., §174.31, subd. 3(g). The Commissioner is thereby required to adopt rules establishing criteria to be used in determining individual eligibility for special transportation services. Minn. Stat. §174.31, subd. 1, states that "special transportation services" refers to "a project for coordination of special transportation service in the metropolitan area as defined in section 473.121, subdivision 2." This is better known to all by its operating title of Metro Mobility.

B. General Statement of Need

These Eligibility Criteria are necessary because the Legislature has directed the Minnesota Department of Transportation (hereinafter "Mn/DOT") to establish criteria to be used in determining individual eligibility for special transportation services. This mandate is a result of considerable discussion during the 1980 session of the Minnesota Legislature as to the extent to which there was misuse of the Metro Mobility system due to inadequate certification criteria. The objectives set by the Legislature for the Metro Mobility project, when it was established and as stated in Minn. Stat. 174.31, subd. 1, were that (1) greater access to transportation be provided for those with special transportation needs in the metropolitan area, that (2) an integrated system be developed tailored to meet individual needs in the most cost-efficient manner, and that (3) existing providers be used wherever possible to increase the productivity of all special transportation vehicles available in the area. The eligibility criteria are needed to help meet these legislative objectives of: greater access for those with special needs, integration of services for cost-efficiency, and increased productivity of available resources.

At the present time, over 18,000 individuals are certified to use Metro Mobility service. The system is now operating at capacity and each day many requests have to be refused. In order to continue serving the transportation needs of those who have no other means of transportation, these eligibility criteria are needed to ensure that individuals not actually requiring special transportation services take advantage of the most cost-effective services available to them. The expected result would be the ability to provide a greater number of transportation opportunities with the resources available.

C. General Statement of Reasonableness

These rules are reasonable because they allow eligibility for Metro Mobility to be based upon permanent functional limitation rather than upon a broad disability type.

That is, the new eligibility system focuses upon whether or not an individual can perform the actions necessary to use mainline bus service and is mentally able to do so. It is reasonable to expect those who are functionally able to use available mainline bus service to do so, in order to provide increased special transportation opportunities to those functionally unable to use any other service. It is also reasonable to make the functional distinction because of cost-efficiencies involved; it is less expensive to provide mainline bus service where possible than to provide a special service.

These rules are reasonable because they provide for an appeal process for rejected applicants. While the appeal process does not allow any changes in the criteria to take place, it does allow for review of certification decisions based upon additional documentation and explanation.

The procedure used in drafting these rules helps to establish their reasonableness. There has been extensive involvement of the handicapped community in the development of these rules. Involved parties have included representatives from the Minnesota Department of Transportation, the Metropolitan Transit Commission, the Metropolitan Council, the 504 Advisory Committee (an advisory group to the MTC and Metro Council on matters regarding transportation for handicapped persons), the Metro Mobility Management Policy Committee and its advisory task force, and a variety of other agencies and organizations concerned with issues related to handicapped persons. Approximately 25 persons provided written comments in response to the Department's publication and mailing of a Notice of Proposed Rulemaking in February 1982. Several other persons telephoned their comments and suggestions.

D. Rule by Rule Statement of Need and Reasonableness

14 MCAR §§ 1.7025 Definitions.

A. A statement of "applicability" is necessary to clarify the fact that these definitions apply only to the rules promulgated in this section of Minnesota Statutes.

B. "Appeal" is necessary to define in order to explain the concept of an appeal within the context of these rules. It is reasonable because it is consistent with the commonly accepted meaning of the word.

C. "Commissioner" is defined for the convenience of people using the rules to simplify the reference to the Commissioner of Transportation.

D. "Disability" is defined to mean the existence of a handicap. It is defined to allow its interchangeable usage with the word handicap.

E. "Handicapped" is defined broadly to give it a functional definition. The functional definition is necessary to the rules since the eligibility criteria are based on functional ability to use or not use mainline bus service.

F. "Mainline bus service" is defined to establish what is the service opposite in character to special transportation service. It is necessary to the rules because the eligibilitycriteria seek to define the ability to use this type of service vs. need for special service.

G. "Major life activities" is defined to further clarify the meaning of "handicapped."

H. "Metro Mobility" is defined to clarify the meaning of the statute and to permit usage of the term most familiar to people using the rules.

I. "Motor vehicle" is defined so that is has the meaning given to it in the statutes.

J. "Physical or mental impairment" is defined to further clarify the meaning of "handicapped."

K. "Special transportation service" is defined to clarify the applicability of the eligibility criteria being established.

14 MCAR § 1.7026 Authority, purpose, and scope of rules.

14 MCAR § 1.7026 A.

This section states the specific authority under which the Department proposes these rules. It is reasonable to state this because if informs the public that the Legislature directed Mn/DOT to write these rules.

MCAR § 1.7026 B.

It is reasonable to state the purpose of the rules because it focuses the public's attention on the Legislature's directive in establishing the legislation.

14 MCAR § 1.7026 C.

The scope definition is necessary to clarify that legislative intent was to establish eligibility criteria for the coordinated special transportation service project in the Twin Cities area only, and not for any other such services available anywhere else in the State.

14 MCAR § 1.7027 Eligibility criteria.

These criteria are necessary to differentiate those individuals who are eligible for special transportation service from those who are not eligible. The reasonableness of each criterion is set forth below.

Criterion 1 states that an individual would be eligible for special service if unable to walk/wheel one-fourth mile or more. The one-fourth mile stipulation is reasonable because the general spacing of mainline bus service routes within the current service area is one-fourth mile. If an individual is functionally able to walk/wheel that distance, the individual would be able to use a mainline bus or, in the case of a wheelchair user, a mainline accessible bus if available. Since more than 90% of current Metro Mobility users live within three blocks of a mainline bus stop, the criterion is reasonable, provided the individual does not meet any of the other eligibility criteria.

Criterion 2 states that an individual would be eligible for special service if unable to walk up and down the steps of a mainline bus. This criterion is reasonable since the inability to walk up and down the steps of a mainline bus can obviously limit one's ability to use such a vehicle. If an individual cannot climb the 16 inches from the ground to the first bus step, it is reasonable to certify the individual to use Metro Mobility.

Criterion 3 states that an individual would be eligible for special service if unable to wait outdoors for ten minutes or more. It is reasonable to use outdoor waiting time as a criterion in itself because extremely cold weather or extremely hot weather make it impossible for people with certain disabilities to wait outdoors without endangering their health and well-being. A specified waiting time of ten minutes or more is reasonable because a study of current travel patterns has shown that approximately 80% of the trips currently taken on Metro Mobility would require a wait of no more than ten minutes, on the average, if made on the mainline bus service.

Criterion 4 states that an individual would be eligible for special service if unable to use mainline bus service because of a mental impairment. It is reasonable to establish this criterion because, even though a majority of individuals with these types of disabilities can be trained to use the mainline bus service with few problems, some individuals with mental impairments cannot be trained to use general services. It is thus reasonable to provide special services to people with functional disabilities of this type.

The stipulation that persons with temporary disabilities shall not be eligible for Metro Mobility service is reasonable because the intent in establishing the project was to aid those who are permanently handicapped, those for whom special transportation service is a life's necessity not a temporary convenience. It is also reasonable to make this stipulation because it would not be cost-effective to make short-term certifications. It is necessary to state this

exclusion because a temporary disability could technically meet the eligibility criteria.

14 MCAR § 1.7028 Individual certification number.

This section provides for the issuance of individual certification numbers to approved applicants. This is a necessary administrative function for distinguishing users of the service. It is reasonable in that it is a continuation of the present administrative structure.

14 MCAR § 1.7029 Applications for certification numbers.

This section establishes the process for requesting a certification number. The application process is a necessary administrative function for service implementation through the eligibility criteria. It is reasonable in that it is a continuation of the present administrative structure.

14 MCAR § 1.7030 Application forms.

14 MCAR § 1.7030 A.

Subsection A specifies the minimum information which each applicant must submit. It is necessary to establish this information as minimum or "at least" information since additional information may be needed in the future for project administration purposes. Stating that the information is minimum information is reasonable because it provides flexibility for program management.

Requesting that the applicant sign and date the form is necessary to establish individual responsibility for the truthfulness of information provided. Requesting the name, address, telephone number(s) of the applicant and medical assistance number, if any, is necessary so that the Department can identify the applicant. Information on the applicant's weight and age is needed for operational purposes, while getting the individual's current Metro Mobility certification number will

establish whether the applicant is a current or new participant. Asking for the name and telephone number of the person to notify in case of emergency is a necessary precaution for a transportation service for disabled people.

Requesting a definition of the applicant's disability and how it prohibits the use of mainline bus service is necessary because such information helps determine if an applicant meets the eligibility criteria. It is reasonable because it serves as a double-check on information required later on in the application and provides a broader base for decision-making. Requiring the applicant to state the applicant's current mode of transportation, other than Metro Mobility, is necessary as a clarification of the applicant's disability. Requesting what equipment the applicant uses when traveling outdoors is necessary information for further establishing disability and for operational purposes.

14 MCAR § 1.7030 B.

Subsection B specifies the minimum questions which each applicant must answer. It is necessary to ask whether the applicant is blind, deaf, or mentally handicapped and, if so, if training has been received in the use of mainline bus service, because such information helps establish eligibility for conditional certification and helps to facilitate operations. It is also important to ask whether or not the applicant would agree to be trained in the use of mainline bus service and, if not, why not because conditional certification hinges on just such an agreement.

Requesting to know whether the applicant needs an attendant/escort when traveling is necessary for operational purposes. People certified as needing an escort will not be allowed to travel without one, which is reasonable in order not to overburden the driver to provide care for the individual. It is necessary to ask if an applicant's mobility limitation is permanent because temporary disabilities will not be certified under these rules. It is necessary to know whether an applicant needs Metro Mobility service for all or only part of the year, because such information helps establish eligibility for winter season certification.

Requesting whether or not the applicant requires a vehicle with a lift or ramp is necessary for operational purposes. The certification number given such an individual will identify the applicant as needing a specific transportation mode. This information is also necessary because, until mainline accessible buses are available, individuals requiring lift/ramp service will automatically be eligible for Metro Mobility service. Requesting whether or not the applicant uses a wheelchair and whether or not it is possible, under the conditions, for the applicant to use an automobile or taxi, is necessary for operational trip planning purposes.

The questions regarding the applicant's ability to walk/wheel one-fourth mile or more, the applicant's ability to wait outdoors for ten minutes or more, and the applicant's ability to walk up and down the steps of a mainline bus, are necessary because they are direct checks for compliance with the eligibility criteria. The explanation requested for any negative responses to these questions is necessary because it establishes the applicant's reasoning and provides a clarification and double-checking of information which will assist decision-making.

14 MCAR § 1.7031 Mental disability form.

14 MCAR § 1.7031 A.

Subsection A specifies the additional information which will be requested of applicants with a mental disability which prohibits use of mainline bus service. This information is necessary because it is a direct check for compliance with the eligibility criterion of inability to use mainline bus service because of a mental impairment. An additional form is necessary because of the special nature of the disability. The questions developed to determine if an individual with a mental handicap could use mainline bus service may be considered reasonable in that a trained Mobility Specialist currently working with the mentally handicapped assisted in their development.

14 MCAR § 1.7031 B.

Subsection B provides that the mental disability form include the name of the applicant, name and relationship to applicant of person completing the form, and date of completion. This is necessary in order to fix responsibility for the accuracy of information provided on the mental disability form.

14 MCAR § 1.7032 Medical verification form.

14 MCAR § 1.7032 A.

Subsection A explains the process for verification of an applicant's disability by a physician, certified physical therapist, or licensed psychologist. Verification of disability is necessary to further ensure that applicants requesting Metro Mobility service actually meet the eligibility criteria and are not able to use mainline bus service because of a functional disability. The verification process established is reasonable in that it represents a compromise position. The process is not so stringent as to require applicants to be screened by a board and asked to actually demonstrate the inability to use mainline bus service, yet not so lax as to require only an applicant's statement of eligibility. It is also a reasonable process because it would not be extremely costly, complicated, or degrading to the individuals requesting certification.

14 MCAR § 1.7032 B.

Subsection B establishes an exemption from submitting the medical verification form for those persons confined to wheelchairs, or for those persons who otherwise require lift or ramp service. This exemption is reasonable because it is obvious that such persons cannot use mainline bus service where lifts and ramps are not available. The eligibility of such persons to use Metro Mobility service under the criteria established in 14 MCAR § 1.7027 is unquestioned. Requiring such persons to submit the medical verification form would be unnecessary paperwork.

14 MCAR § 1.7033 False information.

This section stipulates that individuals who provide false information on the application for certification form, mental disability form, or medical verification form shall not be issued a certification number. This is a necessary provision because it discourages dishonesty on the part of applicants desiring to be certified. It also gives management the flexibility to assess a penalty for the provision of false information.

14 MCAR § 1.7034 Winter season certification.

This section establishes a category of certification which is called winter season certification. It allows for certification during winter months only. A winter season certification provision is reasonable because winter weather can reduce an individual's capacity to use mainline bus service. Metro Mobility experience has revealed that individuals who are unable to wait outside in below freezing temperatures or who are unable to navigate on icy and snowy sidewalks may be fully capable of using mainline bus service during other periods of the year. The winter season certification system is a reasonable approach because it is a compromise position which allows real needs to be met in a cost-effective manner, being neither total denial of service nor full certification for service. The period chosen for seasonal certification is November 1 to April 15 which is reasonable because this is the period that is most generally characterized by cold temperatures and by snow- and ice-covered streets and sidewalks.

This section also provides for the issuance of individual certification numbers which denote winter season certification status. It is necessary to make a distinction for winter season certification status for purposes of program administration, to ensure that individuals with winter season status use the service only from November 1 to April 15.

14 MCAR § 1.7035 Conditional certification.

This section establishes a category of certification which is called conditional. Here an allowance is made for certification during the time an individual is in training to use mainline bus service. It is reasonable to expect individuals who can be trained to use mainline bus service, to be so trained. Not only is mainline bus service the more cost effective service, use of mainline bus service by those who can be so trained, opens up more opportunities for special service for those who have no other alternatives. Allowing a period of eighteen months for training in use of mainline bus service is necessary and reasonable because bus training for those with disabilities is provided only sporadically and individuals may have difficulty receiving training. A review of conditional certifications at six-month intervals is necessary in order to monitor an individual's efforts to fulfill the training agreement and to ensure that service is not provided which is not required.

This section also provides for issuance of individual certification numbers which denote conditional certification status. It is necessary to make a distinction for conditional certification status for purposes of program administration, to ensure that certifications are reviewed every six months and are terminated as required.

14 MCAR § 1.7036 Certification appeals board.

This section provides for the establishment of an Appeals Board. It is reasonable to establish a board of several individuals for final appeal because it provides the advantage of different perspectives on the issues involved. It is necessary to deny the Appeals Board the authority to alter the eligibility criteria in order to preserve the credibility of the criteria.

14 MCAR § 1.7037 Appeal process.

This section establishes an appeal process for individuals declared ineligible for Metro Mobility service. After initial rejection, an applicant has two levels of appeal--the Manager of the Metro Mobility Transportation Center and an Appeals Board established by the Commissioner. It is necessary to provide for an appeal process because of the degree of subjectivity in the initial certification process. It is reasonable to allow appeals because improved documentation and explanation might be expected to change an initial decision on eligibility.

14 MCAR § 1.7037 A.

It is necessary to request the applicant to provide additional information and explanation at the time of appeal because the initial decision of ineligibility is a statement that the information originally supplied is not sufficiently convincing to allow the granting of a certification number.

14 MCAR § 1.7037 B.

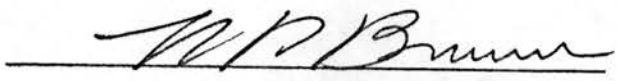
It is necessary to require a written statement of the reasons for the manager's decision in order to avoid the confusion and misunderstanding that can occur with oral statements only, and to provide a clearly documented appeal record. It is reasonable to require that the statement of reasons be mailed to the applicant because the applicant has an inherent right to know the reasons for a decision affecting the applicant's eligibility for special transportation service.

14 MCAR § 1.7037 C.

It is necessary to require the applicant to mail a letter to the Appeals Board chairperson requesting a review because it must be a decision of the applicant whether or not to pursue the certification issue further, not the decision of anyone else; it must be in writing to be clearly verifiable. It is necessary

for the decision of the Appeals Board to be final in order to provide a definite means of terminating the appeal process; it is reasonable because it is a second level of appeal and involves a group of knowledgeable people and not just one individual.

Signed:



Richard P. Braun, Commissioner
Minnesota Department of Transportation

7-29-82
Date

EXHIBIT J

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

In the Matter of the Proposed Adoption of Rules of the State Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR §1.7025-1.7037, All New Material).

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Jean Stepan, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Jean Stepan

Special Assistant Attorney General

Dated: March 4, 1983

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Transportation Governing Individual Eligibility for pecial Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR § 1.7025 - 1. 7037).	AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

KENNETH H. BJORK, being first duly sworn, deposes and says:

THAT on the 9th day of March, 1983, in the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Kenneth H. Bjork, Manager
Administrative Procedures & Documentation
Office of Systems & Support Services
Division of Finance & Administration

Subscribed and sworn to before me
this 9th day of March, 1983.

Colette E. Prokop
Notary Public

My Commission expires: 9-13-86

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

EXHIBIT L

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules of the State Department of Transportation Governing Individual Eligibility for Special Transportation Service for the Metropolitan Area of Minneapolis and Saint Paul (14 MCAR §§1.7025-1.7037, All New Material).

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.16:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, March 9th, 1983, for review as to form and legality. Pursuant to 1 MCAR § 1.026 B., the Attorney General will not approve the rules for at least 20 calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, 204 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-1288. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after the hearing or before submission to the Attorney General, you may contact Nancy Moore, 820 Transportation Building, Saint Paul, Minnesota 55155, telephone (612) 296-7590 during normal business hours.

Richard P. Braun
Commissioner of Transportation

CONTESTED CASE MAILING LIST

Parties of Record [X]
Potential Parties [ ]
Interested Persons [X]

Docket DOT-83-006-HC

Sequence _____

NAME	ADDRESS			
	STREET	CITY	STATE	ZIP
Alice Norum	5244 Irving Ave. South	Minneapolis	Minn.	55419
Kenneth Johnson	2523 Portland Ave. So., #2207	Minneapolis	Minn.	55404
[redacted]nna M. Palm	1239 Herbert Street	St. Paul	Minn.	55106
Thomas J. Heinl	456 Blair Avenue	St. Paul	Minn.	55103
Joyce Scanlan	15 So. 5th Street, Suite 715 Chamber of Commerce Building	Minneapolis	Minn.	55402
Phil Williams	3701 Bryant Ave. South	Minneapolis	Minn.	55409
Stewart Prost	2712 Pillsbury Ave. South, #106	Minneapolis	Minn.	55408
James O'Keefe	1745 University Avenue	St. Paul	Minn.	55104
Hazel Youngmann	2100 Bloomington Avenue	Minneapolis	Minn.	55404
Bonnie O'Day	3320 30th Avenue South	Minneapolis	Minn.	55406
[redacted]et Staples	280 Ravoux Street	St. Paul	Minn.	55103
Ingwald Gunderson	211 Wewers Road	Roseville	Minn.	55113
Diann E. Uzelac	Oak Ridge Care Ctr. 1300 Olson Memorial Highway	Minneapolis	Minn.	55411
Bill Hopkins	Courage Center - 3915 Golden Valley Road	Minneapolis	Minn.	55422
David Naiditch	Metro Mobility - 1276 University Ave.	St. Paul	Minn.	55104
Stephen B. Rosenthal	1745 University Avenue	St. Paul	Minn.	55104
Merten Wagner	3442 Wilshire Place N.E.	Minneapolis	Minn.	55418

CONTESTED CASE MAILING LIST

Parties of Record [X]
Potential Parties [ ]
Interested Persons [ ]

Docket DOT-83-006-HC

Sequence

NAME	ADDRESS			
	STREET	CITY	STATE	ZIP
Shirley A. Reinhold	180 Wayzata Street, #517	St. Paul	Minn.	55117
Sherwood Clark	840 West 65th St., Apt. 105	Richfield	Minn.	55423
Steven Lindgren	7141 Oak Grove Blvd.	Richfield	Minn.	55423
M. F. Skala	2509 Pillsbury Ave. So., #206	Minneapolis	Minn.	55404
Frances L. Christopher	2800 West 44th Street, #203	Minneapolis	Minn.	55410
Norman Bollinger	B & C Homes, 1609 Jackson Street	St. Paul	Minn.	55117
Peggy Ingison	Senate Finance, 121 State Capitol	St. Paul	Minn.	55155
Darlene Morse	215 Oakgrove Street, #1903	Minneapolis	Minn.	55403
John Ludden	Phoenix Residence, 135 East Colorado	St. Paul	Minn.	55107
William Willis	1821 University Ave., Suite S-284	St. Paul	Minn.	55104
Vicki Westrick	Courage Center - 3915 Golden Valley Road	Minneapolis	Minn.	55422
Marie Whitteker	1204 Stryker Ave.	West St. Paul	Minn.	55118
Mark Ryan	Suburban Paratransit - 5701 Normandale Road	Edina	Minn.	55424
Barbara Ringle	1936 Lyndale Ave. South	Minneapolis	Minn.	55405
Jean Bublitz	216 South Wabasha	St. Paul	Minn.	55107
Justin Herzog	200 South Robert Street	St. Paul	Minn.	55107
Eric Smith	2930 Blaisdell, #121	Minneapolis	Minn.	55408

CONTESTED CASE MAILING LIST

Parties of Record [x]
Potential Parties [ ]
Interested Persons [x]

Docket DOT-83-006-P

Sequence

NAME	ADDRESS			
	STREET	CITY	STATE	ZIP
Tom Lijewski	1615 South 4th St., Apt. 2811	Minneapolis	Minn.	55454
Philip R. Williams, Sr.	3701 Bryant Ave. South	Minneapolis	Minn.	55409
Evangeline Larson	5705 Blaisdell Ave.	Minneapolis	Minn.	55419
Bill Laack	3016 29th Avenue South	Minneapolis	Minn.	55406
Myrtle Cople	1936 Lyndale Ave. South	Minneapolis	Minn.	55405