


# 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

Our File No. 1140

# RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-18-85
DATE FOR REVIEW 3-27-85
DATE DUE 4-1-85

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

Approved March 31, 1985 (CDS) Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 4-1-85 Revisor approved _____ disapproved _____

---

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.1.85 Date

✓ Notice of Intent to Solicit Outside Opinion SR' 7.16.84 + comments

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

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

✓ Mailing list Certificate

✓ Publication in State Register
12.31.84 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A 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

✓ DOF approval pursuant to 16A.128

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

# Office Memorandum

TO : Judith Wehrwein
Attorney General's Office

DATE: March 18, 1985

FROM : Diane Dybevik
Assistant to the Commissioner

PHONE: 296-6642

SUBJECT: Rulemaking for Review and Approval

Enclosed are all required documents, materials exhibits for the following rulemaking:

1. Natural Gas Pipeline Safety, Establishing a Fee
2. Motor Vehicle Accident Prevention Courses

After you have acted upon these rules, please return them directly to me.

DD:la

RECEIVED
MAR 18 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

# Office Memorandum

TO : PAUL J. TSCHIDA
Commissioner of Public Safety

DATE: 4-1-85

ATTN: KENNETH BAYLISS
Special Assistant Attorney General

FROM : LARRY D. STARNS LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

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.

LDS:sz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Public Safety

Fire Marshal Division

Adopted Rules Governing Natural Gas Pipeline Safety Inspection Fees

Rules as Adopted

7510.6200 PURPOSE.

The purpose of parts 7510.6100 to 7510.6910 is to prescribe reporting requirements for gas leaks, safety standards for pipeline facilities and the transportation of gas, and fees to recover the state costs related to inspections, investigations, and other duties prescribed by statute. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code 1976 and Supplement III, title 49, section 1674 (a).

7510.6300 SCOPE.

The requirements and standards in parts 7510.6100 to 7510.6910 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of parts 7510.6350 to 7510.6910 is intended to be consistent with Minnesota Statutes, sections 299F.56 to 299F.64.

7510.6350 FEDERAL REGULATIONS ADOPTED BY REFERENCE.

Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations 1980, title 49, parts 191 and 192 are incorporated by reference and made part of Minnesota rules subject to the amendments in parts 7510.6400 to 7510.6910.

7510.6910 INSPECTION FEE.

A person who engages in the transportation of gas or who owns or operates pipeline facilities subject to Minnesota Statutes, sections 299F.56 to 299F.64 is subject to payment of a fee to recover the state's share of the cost of administering

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

the natural gas pipeline safety activity.

~~A. The department shall quarterly ascertain the total of its expenditures for the preceding three months that are attributable to the natural gas pipeline activity.~~

~~B.~~ The department shall maintain records on the amount of time each pipeline safety inspector spends performing duties related to each public or private natural gas pipeline company in Minnesota.

~~C.~~ B. The department shall charge each natural gas pipeline owner or operator for the actual hours spent by pipeline safety inspectors in the conduct of duties under Minnesota Statutes, sections 299F.56 to 299F.64, plus a share of other related expenditures including supplies, materials, and overhead, prorated on the basis of the inspector hours. These charges must reflect the portion of expenses not reimbursable by the United States or a federal department or agency, under Minnesota Statutes, section 299F.64. The natural gas owner or operator must be provided an itemized statement of its charges upon request.

~~D.~~ C. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.

APPROVED IN THE
REVISOR OF STATUTES

APPROVED AS TO LEGALITY

March 31, 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 01 1985
Joan Anderson Growe
Secretary of State

10:58 A.M.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on December 31, 1984, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 14.22, on December 27, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as Minnesota Rules Parts 7510.6200, 7510.6300, 7510.6350 and 7510.6910, are adopted this 1st day of March, 1985, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6. and Minn. Stat. sections 299F.56 to 299F.64.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF018B

Written technical statements and comments concerning these matters will be accepted for consideration until August 3, 1984 and should be addressed to the following:

Stephen Lee
Solid and Hazardous Waste Division
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements of technical information and comments will be accepted during regular business hours over the telephone by Mr. Paul Klinge at 612/296-7267 or in person at the above address.

Any written material received by the Minnesota Pollution Control Agency shall become part of the rulemaking record regarding these rules.

# Department of Public Safety
# State Fire Marshal Division

## Outside Opinion Sought Regarding Proposed Rules of the State Department of Public Safety Governing an Inspection Fee for Natural Gas Pipeline Safety Activities

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules establishing a fee to recover the costs related to field inspections, incident investigation, and plan review of pipeline facilities engaged in intrastate transportation of natural gas. The rules will include the amount of the fee to be assessed and the basis for assessment, which could be according to miles of transmission lines, number of customer meters, amount of inspection/investigation time involved, or other configuration or combination of methods.

The promulgation of these rules is authorized by Minnesota Statutes section 299F.63, subd. 4 as enacted by Laws 1984 Chap. 654, which requires the agency to establish a fee to cover costs of the state general fund share of the pipeline safety program.

The State Department of Public Safety 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:

Diane Dybevik
MN Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-7096 and in person at the above address.

All statements of information and comment shall be accepted until September 15, 1984. Any written material received by the State Department of Public Safety shall become part of the record in the event that the rules are promulgated.

Paul J. Tschida
Commissioner of Public Safety

# Department of Transportation

## Petition of the County of Aitkin for a Variance from State Aid Standards for Inslopes

Notice is hereby given that the County Board of Aitkin County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a bridge replacement and approaches on CSAH 1 from 4,260 feet to 4,460 feet North of the Southeast corner of section 18, T48N, R26W.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit an inslope of 3:1 instead of the required 4:1.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Richard P. Braun
Commissioner of Transportation

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 14th day of December, 1984, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0006

Department of Public Safety
Fire Marshal Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Section 299F. 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 free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The portion of the rules which may affect small businesses is the establishment of a fee to recover all direct and indirect costs in the State Fire Marshal Division for all activities related natural gas pipeline safety. These fees will be assessed upon natural gas pipline companies based on actual time spent in activities attributable to that company.

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 date of 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 request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own 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. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

STATE OF MINNESOTA

12-17-84
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0008

Rules as Proposed

7510.6200 PURPOSE.

The purpose of parts 7510.6100 to ~~7510.6900~~ 7510.6910 is to prescribe reporting requirements for gas leaks ~~and to prescribe minimum~~, safety standards for pipeline facilities and the transportation of gas, and fees to recover the state costs related to inspections, investigations, and other duties prescribed by statute. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code 1976 and Supplement III, title 49, section 1674 (a).

7510.6300 SCOPE.

The requirements and standards in parts 7510.6100 to ~~7510.6900~~ 7510.6910 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of parts 7510.6350 to ~~7510.6900~~ 7510.6910 is intended to be consistent with Minnesota Statutes, sections 299F.56 to 299F.64.

7510.6350 FEDERAL REGULATIONS ADOPTED BY REFERENCE.

Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations 1980, title 49, parts 191 and 192 are incorporated by reference and made part of Minnesota rules subject to the amendments in parts 7510.6400 to ~~7510.6900~~ 7510.6910.

7510.6910 INSPECTION FEE.

A person who engages in the transportation of gas or who owns or operates pipeline facilities subject to Minnesota Statutes, sections 299F.56 to 299F.64 is subject to payment of a fee to recover the state's share of the cost of administering the natural gas pipeline safety activity.

A. The department shall quarterly ascertain the total of its expenditures for the preceding three months that are attributable to the natural gas pipeline activity.

B. The department shall maintain records on the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: RR

amount of time each pipeline safety inspector spends performing duties related to each public or private natural gas pipeline company in Minnesota.

C. The department shall charge each natural gas pipeline owner or operator for the actual hours spent by pipeline safety inspectors in the conduct of duties under Minnesota Statutes, sections 299F.56 to 299F.64, plus a share of other related expenditures including supplies, materials, and overhead, prorated on the basis of the inspector hours.

D. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.



APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD687

Agency: Department of Public Safety

Division: Fire Marshal

Agency Contact: Diane Dybevik
Assistant to the Commissioner

Minnesota Rules: Parts 7510.6200; 7510.6300; 7510.6350; and 7510.6910

Title: Proposed Rules Governing Natural Gas Pipeline Safety Inspection Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: December 11, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

LeeAnn Aitkin, being first duly sworn, deposes and says:

That on the 27th day of December, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, 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 State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department and that are on the discretionary mailing list.

LeeAnn Aitkin

Subscribed and sworn to before me

this 27th day of December

1984

Dorothy F. Gerlach

DOROTHY F. GERLACH
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires Feb. 4, 1987

ACDKHF0011

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. Section 14.14 subdivision 1, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 26th day of December, 1984.

DeAnn Arthur

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Brighter Day Residences, Inc.
620 N. Wood St.
Mora, MN 55051

Board of Directors
Community Involvement
1926 Nicollet Ave. S.
Mpls, MN 55403

Dakota's Children, Inc.
400 W. Marie
West St. Paul, MN 55118

Board of Directors
Duluth Regional Care
603 Alworth Bldg.
Duluth, MN 55802

Richard C. Buske
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Fredrik M. Christiansen
Department of Education
Room 911, Capitol Sq. Bldg.
St. Paul, MN 55101

Forestview Community Homes
P.O. Box 1249
Minnetonka, MN 55343

Group Homes of Winona, Inc.
377 Main St.
Winona, MN 55987

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Board of Directors
Cath. Charities/Dioc. St. Cloud
1726 Seventh Av. S
St. Cloud, MN 56301

Community Living
Box 128
Victoria, MN 55386

Board of Directors
Dell's Place, Inc.
235 S. Second Ave.
Delano, MN 55328

Dungarvin, Inc.
865 Front St.
St. Paul, MN 55117

Charles Schaffer
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Episcopal Group Homes
522 Shadyway Road
Wayzata, MN 55391

Board of Directors
Greenbrier Home, Inc.
941 Birmingham St.
St. Paul, MN 55106

Forestview-Hemmingway
8045 Hemmingway Ave. S.
Cottage Grove, MN 55016

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Board of Directors
Christian Concern, Inc.
402 N. Third St.
St. Peter, MN 56082

Crippled Children's School
Box 23
Worthington, MN 56187

Dorothe Lane Children's Home
205 Sixth St.
Sauk Centre, MN 56378

Kent E. Eklund
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Ed. Phillips & Sons, Co.
2345 Kennedy St. NE
Mpls, MN 55413

Fillmore Cnty Hndcpped Svcs.
135 Center St. SE
Harmony, MN 55939

Great River Homes, Inc.
717 Rustic Lane
Wabasha, MN 55981

Friendship Haven, Inc.
P.O. Box 576
Sherburne, MN 56171

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Olmsted ARC
1312 Seventh St. NW
Rochester, MN 5901

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

Outreach Group Homes, Inc.
3601 Park Center Blvd. #304
Mpls, MN 55416

Our House of MN, Inc.
1864 Portland Ave.
St. Paul, MN 55104

People, Inc.
1885 University Ave. #350
St. Paul, MN 55104

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Pine River Group Home
Box 96
Pine River, MN 56474

Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN 55934

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Board of Directors
Residence, Inc.
2499 N. Rice St. Suite 139
Roseville, MN 55133

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

Claudia Smith
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

South Center Manor, Inc.
Park Island
Center City, MN 55012

Dev. Disabilities Pl. Office
State Planning Agency
200 Capitol Sq. Bldg.
St. Paul, MN 55101

Summit House
1004 Summit Ave.
Mpls, MN 55403

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Willmar Nursing Home, Inc.
1004 Ella Ave.
Willmar, MN 56201

Windom CRF, Inc.
Box 244
Windom, MN 56101

Good Neighbor Home
1091 Fairmount Ave.
St. Paul, MN 55105

Sam Ruhle
Office of Admin. Hearings
310 So. 4th Ave.
Mpls, MN 55415

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Innovative Homes, Inc.
P.O. Box 11
Kasson, MN 55944

Koep Group Home
Route 3
Fergus Falls, MN 56537

M.B.W. Company
801 Center St.
New Ulm, MN 56073

John T. Farmer
Executive Director
MN Manufactured Housing Assoc.
222 E. Little Canada Rd.
Little Canada, MN 55117

Gordon Forbes
MN Railroads Assoc.
480 Cedar St., 303 Hanover Bldg.
St. Paul, MN 55101

James Murphy
Vice President
Nat'l Assoc. Indep. Insurers
2600 River Road
Des Plaines, IL 60018

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
Hammer Residences, Inc.
1909 E. Wayzata Blvd.
Wayzata, MN 55391

Board of Directors
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Hope Residence, Inc.
Box 63
Waterville, MN 56096

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Mental Health Assoc. of MN
5501 Green Valley Drive #103
Mpls, MN 55437

John G. Horner
MN Multi-Housing Assoc.
3100 W. Lake St.
Mpls, MN 55416

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Nekton, Inc.
633 N. Snelling Ave.
St. Paul, MN 55104

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Harry Meyering Center
109 Homestead Drive, Box 302
Mankato, MN 56001

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

Conrad M. Fredin
Johnson, Fredin, Killen,
Thibodeau & Seiler
811 1st Nat'l Bank Bldg.
Duluth, MN 55802

Kathleen Burek
Executive Director
Leg. Comm./Review Admin. Rules
B-46 Capitol
St. Paul, MN 55155

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55113

Abe Rosenthal
Executive Vice President
MN Motor Transport Assoc.
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box K1
Fulda, MN 56131

Board of Directors
Northeast Residence, Inc.
4680 Bald Eagle Ave.
White Bear Lake, MN 55110

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

H. LeRoy DeBoom
3945 Zarthan Ave.
Mpls, MN 55416

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington VA 22202

POST Board
333 Sibley St., Suite 495
St. Paul, MN 55101

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
3109 Hennepin Ave. So.
Mpls, MN 55408

Mark Groettum
Attorney At Law
311 E. Howard St., Box 764
Hibbing, MN 55746

Mary Stanton
Staff Associate/Finance
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

Public Affairs Information
State Regulatory Division
1024 10th St., Suite 300
Sacramento, CA 95814

Jan Rudich
Assn. of MN. Family
Day Care Licensors c/o DPW
Centennial Office Bldg.
St. Paul, MN 55155

Samuel A. McCloud
533 West Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416

Terry L. Mitchell
Hage & Mitchell Atty's. At Law
334 West Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416

George H. Frisch
Attorney At Law
1781 Saunders Ave.
St. Paul, MN 55116

Larry Plack
Fire Marshals of Minnesota
3400 Plymouth Blvd.
Plymouth, MN 55447

Pipeline Safety Fee Rules – Supplemental List

Richard Kirkham
MN Municipal Utilities Assn.
P.O. Box 459
401 E. Hwy 55
Buffalo, MN 55313

Richard Auld
Public Service Dept
Division of Weights
and Measures
American Center Bldg
St. Paul, MN.

Carl C. Cummins
Minnegasco
201 S. Seventh St.
Minneapolis, MN 55402

John B. Peterson
Dir., Gas Engineering
Northern States Power
825 Rice Street
St. Paul, Mn. 55117

William Haney
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55402

David W. Denham
Northern States Power Co.
825 Rice Street
St. Paul, MN 55117

Gene R Sommers
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 5540l

Mr. Arden Anderson
Public Utilities Commission
P.O. Box 277
Hawley, MN 56549

Mr. Orville Kuiken
City of Hutchinson
Utilities Commission
22 Main Street North
Hutchinson, MN 55350

Mr. Steve J. Wilker
City of Owatonna
Municipal Public Utilities
208 South Walnut Street
Owatonna, MN 55060

Mr. Richard Carlund
New York Mills Municipal Gas
System
New York, Mills, MN 56567

Mr. Wallace Rasmussen
City of Stephen
Stephen, MN 56757

Mr. Charles R. Fricke
City of Virginia
Department of Public Utilities
620 Second Street South, Box 1048
Virginia, MN 55792

Mr. Harold Olimb
City of Warroad
Warroad, MN 56763

Mr. Lloyd V. Crum, Jr.
Racine, MN 55967

Mr. Bob Klinepier
Zenith Terrace
9223 Anchor Street
Duluth, MN 55810

Mr. D. A. McConschie
Interstate Power Company
1000 Main Street
DuBuque, Iowa 52001

Mr. Kenneth LaBine
City of Argyle
Argyle, MN 56713

Mr. Frank Gailland
City of Circle Pines
Circle Pines, MN 55014

Mr. Verne Pearson
City of Hallock
Hallock, MN 56728

Mr. Ray Richards
City of Hibbing
Public Utilities Commission
Hibbing, MN 55746

Mr. George Mattson
Lake Park Public Utilities
Lake Park, MN 56654

Mr. William F. Domeier
City of New Ulm
Public Utilities Commission
Box 355
New Ulm, MN 56073

Mr. Robert Esser
Perham Municipal Natural Gas System
138 West Main Street
Perham, MN 56573

Mr. Donald S. Norlen
City of Two Harbors
Municipal Gas System
610 Second Avenue
Two Harbors, MN 55616

Mr. G. A. Thompson
Austin Utilities
500 Fourth Avenue N.E.
Austin, MN 55912

Mr. Don Nelson
City of Duluth
Water, Gas, & Sewage Treatment Department
414-16 West First Street
Duluth, MN 55802

Mr. Fabian J. Sheehan
Island Gas, Inc.
106 Main Street
Bird Island, MN 55310

Mr. R. P. Baukol
Montana-Dakota Utilities Co.
400 North 4th Street
Bismark, North Dakota 58501

Mr. Dave Denham
Northern States Power Company
360 Wabasha Street
St. Paul, MN 55101

Mr. Paul Zuppke
Western Gas Utilities, Inc.
3900 Washington Avenue North
Minneapolis, MN 55412

Mr. Jeff Gustafson
City of Warren
126 West Johnson
Warren, MN 56762

Mr. Augie Stricker
Great Plains Natural Gas Co.
P.O. Box 176
Fergus Falls, MN 56537

Mr. Fred Little
Inter-City Gas Limited, Inc.
1004 Cloquet Avenue
Cloquet, MN 55720

Mr. Jim Mason
Iowa Electric Light-Power Co.
Natural Gas Division
304 North Park
Fairmont, MN 56031

Mr. Robert Lane
Minnesota Gas Company
739 Marquette Avenue
Minneapolis, MN 55406

Mr. N. L. Larson
North Central Public Service Co.
1080 Montreal Avenue
St. Paul, MN 55012

Mr. W. A. Kellstrom
Council Bluff Iowa
Peoples Natural Gas Company
525 First Avenue S.W., Box 1117
Rochester, MN 55901

Other options school districts might employ to reduce their cost could be:

a) Sharing instructors and programs between districts.

b) Joining a secondary cooperative center that provides vocational programs.

c) Increasing the number of secondary vocational offerings in the school's curriculum.

d) Purchasing slots on a fee basis from other districts.

e) Arranging for vocational offerings through an AVTI for its students.

f) Alternating vocational offerings between districts on a yearly basis.

g) Utilizing emerging technology such as interactive TV or computer assisted video tape to provide programs.

While there may be start-up costs and other equipment costs associated with some of these options, program specialists will assist local education agencies in providing alternatives. The Department of Education estimates the total cost to the state based upon a 45 percent vocational categorical aid formula to be approximately $810,000.

### Rule as Proposed (all new material)

**3505.2510 MINIMUM PROGRAM.**

During each school year, every secondary school must provide in grades 10-12 a minimum of four credits of not less than 140 hours per credit or a total of 560 hours of secondary vocational course offerings in not less than two secondary vocational programs. For purposes of this rule, the secondary vocational programs are agriculture, business and office occupations, marketing and distributive education, health occupations, industrial education, homemaking, service occupations, and special needs as described in parts 3505.2700 to 3505.4700. A program must be approved by the commissioner of education under parts 3505.1100, 3505.2400, and 3505.2500 to be eligible for vocational aid.

# Department of Public Safety
# Fire Marshal Division

## Proposed Rules Governing Natural Gas Pipeline Safety Inspection Fees

### Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Section 299F. 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 free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The portion of the rules which may affect small businesses is the establishment of a fee to recover all direct and indirect costs in the State Fire Marshal Division for all activities related natural gas pipeline safety. These fees will be assessed upon natural gas pipeline companies based on actual time spent in activities attributable to that company.

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 date of 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 request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own 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. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Paul J. Tschida
Commissioner of Public Safety

## Rules as Proposed

**7510.6200 PURPOSE.**

The purpose of parts 7510.6100 to ~~7510.6900~~ 7510.6910 is to prescribe reporting requirements for gas leaks ~~and to prescribe minimum~~, safety standards for pipeline facilities and the transportation of gas, and fees to recover the state costs related to inspections, investigations, and other duties prescribed by statute. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code 1976 and Supplement III, title 49, section 1674 (a).

**7510.6300 SCOPE.**

The requirements and standards in parts 7510.6100 to ~~7510.6900~~ 7510.6910 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of parts 7510.6350 to ~~7510.6900~~ 7510.6910 is intended to be consistent with Minnesota Statutes, sections 299F.56 to 299F.64.

**7510.6350 FEDERAL REGULATIONS ADOPTED BY REFERENCE.**

Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations 1980, title 49, parts 191 and 192 are incorporated by reference and made part of Minnesota rules subject to the amendments in parts 7510.6400 to ~~7510.6900~~ 7510.6910.

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.

**7510.6910 INSPECTION FEE.**

A person who engages in the transportation of gas or who owns or operates pipeline facilities subject to Minnesota Statutes, sections 299F.56 to 299F.64 is subject to payment of a fee to recover the state's share of the cost of administering the natural gas pipeline safety activity.

A. The department shall quarterly ascertain the total of its expenditures for the preceding three months that are attributable to the natural gas pipeline activity.

B. The department shall maintain records on the amount of time each pipeline safety inspector spends performing duties related to each public or private natural gas pipeline company in Minnesota.

C. The department shall charge each natural gas pipeline owner or operator for the actual hours spent by pipeline safety inspectors in the conduct of duties under Minnesota Statutes, sections 299F.56 to 299F.64, plus a share of other related expenditures including supplies, materials, and overhead, prorated on the basis of the inspector hours.

D. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.

# Transportation Regulation Board

## Proposed Rules Relating to Collective Ratemaking

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

Notice is hereby given that the Transportation Regulation Board (Board) proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982) (As amended by Minn. Laws 1984 Ch. 640, §§ 12-15).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§ 14.13-14.20 (1982) (As amended by Minn. Laws 1984, Ch. 640, §§ 7-11). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reasons for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Jerome E. Pedersen, Rate Director
Transportation Regulation Board
795 American Center Building
160 E. Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: 612/296-2349

Authority for adoption of these rules is contained in Minn. Stat. § 174A.02 (1982) and Minn. Stat. § 221.165 (Supp. 1983). A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied on to support the proposed rules and assesses the impact of the proposed rules on small businesses and on local public bodies has been prepared and is available from Mr. Pedersen upon request at the above address.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, the statement of need and reasonableness, all the written comments and requests for hearing received, and the final rules as adopted will be delivered to the Attorney General. The rules will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the rules and the existence of a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the rules as originally proposed, or who wish to obtain a final

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on December 31, 1984, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 14.14 subdivision 1, on December 27, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than 25 requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Sections 299F.56 to 299F.64.

2. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, no requests for public hearing were received.

4. One public comment letter was received, from Northern States Power, in support of the proposed rules. NSP requested a rewording of Part 7510.6910 for purposes of clarification

## CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. The Commissioner of Public Safety concurs with the suggestions made by NSP to reword Part 7510.6910. The change is nonsubstantive, it in no way changes the meaning of Part 7510.6910. If it provides clarity to the utility companies who are regulated by the rule, it is a reasonable modification. Such modification is reflected in the rule as adopted.

STATE OF MINNESOTA

3-1-85
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

ACDKHF015A

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a fee.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The captioned rules were last amended June, 1982.

The need to adopt these rules arises because of a 1984 statutory mandate (M.S. 299F.63) requiring the department to recover the state's share of costs involved in pipeline inspections and administration of the gas pipeline safety laws (M.S. 299F.56 to 299F.64). These rules establish a method for calculating costs based on actual time and costs of the function. The department solicited outside input into the rule drafting process, and the two responses each addressed cost recovery based on actual inspector time versus a flat fee as the preferred fee structure. This method provides for an equitable non arbitrary assessment and recovery of costs. Alternate methods such as a flat fee for each facility or fees based on miles of pipeline or number of customer meters were considered non equitable and not related to the work of the inspection activity.

The department has considered the requirements of Minn. Stat. 14.115 and has determined that the proposed rules do not directly affect small businesses. Other than a few major utility companies, not included in the definition of small business, these rules impact municipal/cooperative utility comapnies.

A fee study has been submitted to and approved by the Department of Finance and is attached.

The purpose and need for each substantive portion of the rules is as follows:

7510.6200. There are existing rules concerning natural gas pipeline safety - Minnesota Rules parts 7510.6200 to 7510.6900. That inclusive set of rules is being amended to include fee requirements in order to keep rules of like subject matter together. The purpose section is amended to reflect the expanded scope of the natural gas pipeline safety rules.

7510.6910. This rules reiterates the statutory mandate to collect the state share of costs involved in the natural gas pipeline safety activity.

A. Subpart A specifies that the department will determine its costs on a quarterly basis. The natural gas pipeline safety activity is not a separate budget activity, so this subpart requires the department to separate those costs from other operating costs attributable to activities not related to pipeline safety.

B. Subpart B requires the department to keep records of the pipeline safety activities by individual utility company. From these records the department can charge each company based on actual time, and a record for audit purposes will exist and be available for the state and the companies involved.

C. Subpart C explains how the charges will be assessed - actual time plus overhead and indirect costs. This configuration has been approved by the Department of Finance.

D. Subpart D places specific time constraints on the department for its billings and on the utility companies for their remittance. This will allow for reasonably speedy turnaround and should not place unworkable constraints on the utility companies. The 30 day requirement dovetails with the state's prompt payment law.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT Finance

# Office Memorandum

TO : Frank A. Ahrens, Director
Office of Fiscal and Administrative Services
Department of Public Safety

DATE: December 21, 1984

FROM : Allen A. Yozamp, Director
Budget Operations and Support

PHONE: 296-5188

SUBJECT: Natural Gas Pipeline Inspection Fee

The proposed fee structure is approved as submitted to become effective April 1, 1985 after the necessary rulemaking requirements have been met.

Your projections indicate that total fees will equal direct costs plus the agency's general support costs and statewide indirect costs attributable to this fee. If at any time it is determined that fees will not approximate costs, a fee change request must be submitted.

BO:AAY:BN:SC:B003

cc: Dick Krueger

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT *Public Safety*

# Office Memorandum

TO: *Allan A. Yozamp*
*Director, Budget Support*

DATE: *December 20, 1984*

FROM: *Richard G. Krueger*
*Controller*

PHONE: *296-8361*

SUBJECT: *Natural Gas Pipeline Inspection Fee*

*Attached hereto is the proposed fee structure by the Department of Public Safety whereby the department is required to recover half of the cost of natural gas pipeline safety inspections. Half of the cost is the state's share of this state/federal cooperative program.*

*I agree with the department's methodology.*

*I recommend approval.*

*RGK/gg*

*cc: Frank Ahrens*

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT *Public Safety*

# *Office Memorandum*

TO: *Richard G. Krueger, Controller*
*Dept. of Finance*

DATE: *December 17, 1984*

FROM: *Frank A. Ahrens, Director*
*Office of Fiscal & Administrative Services*

PHONE: *296-9484*

SUBJECT: *Request for Approval of Proposed Fee Structure - Natural Gas Pipeline Safety Inspection Fee.*

*Pursuant to Laws of 1984, C628, Art. 2, S1, amending 16A.128 Fee Adjustment, this agency respectfully requests Dept. of Finance approval for the proposed fee structure. This agency is required by Laws of 1984, C654, Art. 3 S84, to establish by rule under section 16A.128, a fee to recover the state share of all costs related to field inspections, investigations of pipeline facilities, plan review, and other duties as provided by sections 299F.56 to 299F.63. Under the proposed rules, 7510.6910 Inspection Fee, dated 12/18/84 (copy attached), the Dept. will bill each natural gas pipeline owner or operator for actual hours of inspection plus a share of other related expenditures including supplies, indirect costs, etc., prorated on the basis of actual direct labor costs. The Dept. will start billing for inspections costs incurred by the Fire Marshal's office effective April 1, 1985. The first billings will be issued by the month of July, 1985, for the months of April through June.*

*FAA/gg*

FI-00194-03

# Department of Finance

## Fee Review

| Department/Agency: | Budget Activity: |
|---|---|
| Public Safety | Fire Prevention, Protection & Investig |
| **Fee Name:** Natural Gas Pipeline Safety Inspection Fee | |
| **Legal Citation:** L84,C654, Art. 3, S84 | **Fee Set By:** ☐ Law ☒ Agency |
| **Purpose of Fee:** The purpose of the fee is to recover the state share of all costs related to field inspections, investigations of pipeline facilities, plan reviews and other duties as provided to sections 299F.56 to 299F.63. | |
| ☐ Dedicated ☒ Non-Dedicated | **Revenue Code:** 300 |
| **APID:** 23000:99-10 | **Accumulated Difference Thru 1982:** -0- |
| | Dollars in Thousands (137,522 = 137.5) |

| Fiscal Year | Actual F.Y. 83 | Actual F.Y. 84 | Estimated F.Y. 85 | Requested F.Y. 86 | Requested F.Y. 87 |
|---|---|---|---|---|---|
| Actual/Anticipated Receipts | | | 18.8 | 76.0 | 76.4 |
| Less Actual/ Anticipated Costs | | | 75.0 | 76.0 | 76.4 |
| Current Difference | | | (56.2) | -0- | -0- |
| Accumulated Difference | | | (56.2) | (56.2) | (56.2) |
| Number Paying Fee | | | | | |
| Present Fee | | | Varies - to cover cost of inspections | | |
| Date Fee Last Changed | | | | | |

Remarks: Estimated Costs F.Y. 1985-87:

| | F.Y.1985 | F.Y.1986 | F.Y.1987 |
|---|---|---|---|
| Direct Appropriation (General) | 62.9 | 63.8 | 64.2 |
| Dedicated Appropriation (Federal) | 62.9 | 63.8 | 64.2 |
| *Indirect Costs (21.33%) | 24.2 | 24.4 | 24.2 |
| Total Projected Cost | 150.0 | 152.0 | 152.8 |
| Less - Federal Reimbursement | (75.0) | (76.0) | (76.4) |
| State Share of Total Cost | 75.0 | 76.0 | 76.4 |

Pursuant to L84,C628,Art2,S1, amending 16A.128, fee adjustments, this agency requests DOF approval for the proposed fee structure, under proposed rules, 7510.6910 Inspection fee, date 12-18-84 (copy attached). The dept will bill each natural gas pipeline owner or operator for actual hours of inspection plus a share of other related expenditures including supplies, indirect costs, etc., prorated on the basis of the direct labor costs.

* Indirect Costs (½ of costs reimbursed under Federal Program).

Finance Department Recommendation:

Recommend approval

| Department Authorized Signature: | Agency Controller Signature: |
|---|---|
| 12/17/84 | 11/30/84 |

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Ken Bayliss, 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.

Please return the approved rules directly to the agency, 211 Transportation Building.

3-12-85
DATED

Kenneth R. Bayliss
SPECIAL ASSISTANT ATTORNEY GENERAL

ACDKDF001B

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Pubic Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

LeeAnn Aitkin, being first duly sworn, deposes and says:

That on the 18th day of March, 1985, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

LeeAnn Aitkin

Subscribed and sworn to before me
this 18th day of March,
1985

Dorothy F. Gerlach

DOROTHY F. GERLACH
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires Feb. 4, 1987

ACDKHF020B

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

211 Transportation Building
St. Paul, Minnesota 55155

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Natural Gas Pipeline Safety, Establishing a Fee.

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

David Denham
Northern States Power Co.
825 Rice Street
St. Paul, MN 55117

Pursuant to your request and in accordance with Minn. Stat. sections 14.26:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, March 18, 1985, for review as to form and legality. Pursuant to 1MCAR 1.206C, the Attorney General will not approve the rules for at least 8 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.

The above captioned proposed rules have been modified since they were published in the State Register. A free copy of the proposed rules, as modified, is available upon request from the Department at the above address.

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, St. 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.

Since you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, a copy of the rules as adopted (modifications) is enclosed.

Diane Dykstra

ACDKHF019B

Department of Public Safety
Fire Marshal Division

Adopted Rules Governing Natural Gas Pipeline Safety Inspection Fees

Rules as Adopted

7510.6200 PURPOSE.

The purpose of parts 7510.6100 to 7510.6910 is to prescribe reporting requirements for gas leaks, safety standards for pipeline facilities and the transportation of gas, and fees to recover the state costs related to inspections, investigations, and other duties prescribed by statute. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code 1976 and Supplement III, title 49, section 1674 (a).

7510.6300 SCOPE.

The requirements and standards in parts 7510.6100 to 7510.6910 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of parts 7510.6350 to 7510.6910 is intended to be consistent with Minnesota Statutes, sections 299F.56 to 299F.64.

7510.6350 FEDERAL REGULATIONS ADOPTED BY REFERENCE.

Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations 1980, title 49, parts 191 and 192 are incorporated by reference and made part of Minnesota rules subject to the amendments in parts 7510.6400 to 7510.6910.

7510.6910 INSPECTION FEE.

A person who engages in the transportation of gas or who owns or operates pipeline facilities subject to Minnesota Statutes, sections 299F.56 to 299F.64 is subject to payment of a fee to recover the state's share of the cost of administering

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

the natural gas pipeline safety activity.

~~A. The department shall quarterly ascertain the total of its expenditures for the preceding three months that are attributable to the natural gas pipeline activity.~~

~~B.~~ The department shall maintain records on the amount of time each pipeline safety inspector spends performing duties related to each public or private natural gas pipeline company in Minnesota.

~~C.~~ B. The department shall charge each natural gas pipeline owner or operator for the actual hours spent by pipeline safety inspectors in the conduct of duties under Minnesota Statutes, sections 299F.56 to 299F.64, plus a share of other related expenditures including supplies, materials, and overhead, prorated on the basis of the inspector hours. These charges must reflect the portion of expenses not reimbursable by the United States or a federal department or agency, under Minnesota Statutes, section 299F.64. The natural gas owner or operator must be provided an itemized statement of its charges upon request.

~~D.~~ C. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.

APPROVED BY THE REVISOR OF STATUTES