

State



STATE OF
MINNESOTA

Register

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Coordinating Board

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—Notice of Certificate of Need Application and Contested Case
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EXECUTIVE ORDERS

Executive Order No. 143

Transferring the Processing of Nursing Scholarships from the State Board of Nursing to the Higher Education Coordinating Board

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the goal of nursing is to assist an individual, group or community to move toward optimal health; and

WHEREAS, the State of Minnesota recognizes the need to secure nursing education to help maintain adequate nursing care; and

WHEREAS, the nursing scholarship program ensures that needy young people have the opportunity to enter a rewarding professional field; and

WHEREAS, almost all student financial assistance programs are located in the Higher Education Coordinating Board to provide coordinated and flexible administration of the total array of state scholarships, grants, loans, and work-study opportunities available to post-secondary students;

NOW, THEREFORE, I order:

1. That the Higher Education Coordinating Board shall administer all applications for new grants for nursing students.
2. That the State Board of Nursing shall fulfill all previous commitments for grants to nursing students.
3. That the State Board of Nursing shall transmit to the Higher Education Coordinating Board all applications received requesting grants for any period of training beginning after June 30, 1977.

This order shall be effective on the date of publication in the State Register.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 7th day of March, 1977.



RULES

Department of Public Welfare Services to Mentally Retarded Individuals

DPW 185 Community Mental Health Board and County Welfare or Human Service Board responsibilities to individuals who are mentally retarded.

A. Introduction.

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

a. Community mental health board: Local area board or human service board which receives grant-in-aid from the state agency, to plan for and facilitate programs in mental retardation and assure delivery of services.

b. Day facility: Placement less than 24 hours per day outside the home [[for purposes of acquiring]] which provides training in self-care, remedial, developmental, or social skills.

c. Local social service agency: Local agency under the authority of the county welfare board or human service board which is responsible for social services and income maintenance.

d. [[Mental retardation:]] Mentally retarded person: A mentally retarded person refers to any person who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior [[such as to require supervision and protection for his/her welfare or the public welfare.]] and manifested during the developmental period.

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

refers to performance which is approximately two or more standard deviations from the mean or average of the tests. [[Mental retardation under this rule includes manifestation during the developmental period (to 18 years of age), and brain injuries occurring in adult life.]]

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

e. Residential facility: Out of family home setting [[for purposes of acquiring]] providing training in self-care, remedial, developmental or social skills.

f. State agency: Minnesota Department of Public Welfare.

g. Individual service plan: An analysis by the local social service agency, for services needed by the client, including identification of the type of residential placement, and the general type of program required by the client to meet the assessed needs within a specified period of time.

h. Individual program plan: A detailed plan of the service provider setting forth both short-term and long-term goals with detailed methods for achieving movement toward the individual service plan of the local social service agency. (Rule 34 standards and ICF/MR regulations govern this in specific detail.)

B. Standards for provision of services.

1. Services to individuals who are mentally retarded shall be based on the following standards:

a. To provide the person who is mentally retarded with [[an existence as close to normal as possible.]] a normal existence. If this is not possible, to provide the mentally retarded person with the alternative which is least restrictive. This includes making available to him/her patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

b. To provide the person who is mentally retarded with an individual service plan which is designed to acquire new and progressively difficult skills. Such plan must take into consideration the presentation of learning and de-

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developmental experience appropriate to his/her adaptive behavior levels, physical condition and degenerative status.

The individual service plan for the mentally retarded person must be based on a comprehensive assessment of needs, and [[periodic]] annual evaluations to determine appropriateness and effectiveness of the individual service plan.

c. To implement the client's service plan, plans shall be made in a manner which least restricts his/her personal freedom, and also carries out the goals and objectives for the individual. This shall mean:

(1) Providing assistance to enable him/her to live in his/her home.

(2) Providing a community-based residential facility with appropriate services when the mentally retarded person must leave his/her home for a specified purpose and period of time.

(3) Providing placement in a state hospital when the mentally retarded person cannot be served at home or in the community for a specified purpose and period of time.

C. Responsibilities of the local social service agency.

1. Diagnosis of mental retardation.

a. The local social service agency [[shall coordinate the diagnostic process,]] has the primary responsibility for insuring prompt diagnosis of mental retardation, utilizing professionally qualified staff, and professional information and assistance from other sources, to secure diagnostic information.

b. The local social service agency shall make determination regarding the finding of mental retardation in the individual client, based upon interdisciplinary procedures identified in other sections of this rule. Such determination may be appealed to the Commissioner of Public Welfare.

c. The following information is required for diagnosis of mental retardation:

(1) Diagnosis of intellectual functioning by one or more of the standardized tests developed for that purpose (and administered by a psychologist who is qualified in the diagnosis and treatment of mental retardation). (In parenthesis, from MR Protection Act.)

(2) Diagnosis of adaptive behavior on the basis of a combination of pertinent test data which measure aspects of behavior, professional observation, and utilization of all

available sources of information regarding the person's everyday behavior.

(3) Medical examination prepared under the direction of a licensed physician and which directs attention to sight, hearing, seizure problems, etc.

(4) Report by a social worker experienced in working with mentally retarded persons on the client's social history and adjustment.

d. Diagnostic review shall be made when significant changes in behavior or functional levels occur, and at intervals not exceeding [[three]] two years' duration. Exception can be made in the case of adults who have been in a service plan for a period of ten or more years, and the original diagnosis has been twice confirmed. In such cases, diagnostic review can be accomplished [[by staff members in consultation, providing one member of the consulting team is a state licensed psychologist.]] at intervals not exceeding four years' duration.

2. Assessment of client needs and development of individual service plan.

a. The local social service agency shall assist any person needing help who is or may be mentally retarded by assessing that person's needs and subsequently planning to meet those needs [[in]] with the cooperation and involvement of the client, parents, relatives or guardian.

b. The following information, when appropriate, in addition to the diagnosis, is required in order to determine the individual service plan:

(1) Family history.

(2) Medical, prenatal, and birth history.

(3) Early development history.

(4) School reports indicating behavior and functional levels.

(5) Psychiatric evaluation, if indicated by the other reports.

(6) Vocational evaluation reports.

(7) Observations and interviews about family and the environment.

c. The local social service agency shall, in cooperation with the client and parents and/or guardian, develop an individual service plan which shall include:

(1) The Minnesota Developmental Programming

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System, or other instrument of comparable validity and reliability, shall be used to provide a standardized behavioral assessment prior to development of an individual service plan.

(2) Services to be provided shall be specifically individualized to meet the client's needs. Daytime activity center services, when determined appropriate in the individual service plan, shall be provided "or preschool children who are mentally retarded or in the process of diagnosis, and adults, if such services can be obtained within reasonable travel distance.

(3) Provision for implementation of the individual service plan and arrangement for appropriate services.

(4) Provision for ensuring the delivery of services as provided in the individual service plan.

(5) Evaluation, with the assistance of qualified individuals, of the client's progress as described in the client's individual service plan.

(6) Payment for services when the individual, or parent of a child under 18 years of age, is unable or not required to pay.

3. The individual service plan shall be designed to provide services to the client in his/her home, and to strengthen family relationships, capabilities and responsibilities when placement in a day or residential facility is necessary. Such placement shall be made by the social service agency in order to carry out the individual service plan.

a. When placement in a day or residential facility is necessary, the local social service agency shall [[coordinate]] be responsible for planning with the client, his/her family or representative, the residential or day facility resources, and the public school, if the client is [[a child]] of school age.

(1) Arrangements for placement in a day or residential facility or state hospital shall be made by the local social service agency. When in the facility, the person continues to be the client of the local social service agency,

(2) Acceptance by the facility or state hospital shall be based on the goals and objectives of the individual service plan of the local social service agency, as agreed upon with the client, parent, and/or guardian~~[[.]]~~ and as indicated by subsequent assessment and review. Acceptance

shall constitute agreement that the facility or state hospital can carry out the goals and objectives of the individual service plan within a specified period of time.

(3) When a mentally retarded person is accepted in a day or residential facility, the facility staff shall be responsible, within 30 days of admission, for the development of an individual program plan based on the individual service plan of the local social service agency. The ~~[[facility's individual program plan shall be approved by the local social service agency for implementation by facility staff.]]~~ local social service agency shall participate in the development of the facility's individual program plan.

(4) Placement of mentally retarded persons, or persons in the process of diagnosis, is restricted to residential facilities licensed under DPW Rule 34 and other applicable rules or their successor. Exception can be made (1) in the case of certification of need for hospitalization or need for a skilled nursing facility for skilled nursing care on a 24-hour-per-day basis, or (2) when the individual service plan calls for placement in a licensed or certified foster home for four or fewer residents.

(5) When the local social service agency places a client in a residential facility located outside of that county, formal arrangements, noted in the individual service plan, must be made with the host county social service agency to carry out certain services. Primary responsibility, however, remains with the agency of legal responsibility.

(6) Counseling shall be provided or arranged by the local social service agency to the individual, his parents or guardian as needed. The agency may request assistance of the community mental health director.

(7) Appeal may be made to the Commissioner of the state agency.

D. Responsibilities of the Community Mental Health Board or Human Service Board.

1. The community mental health board or human service board shall ensure ~~[[participation]]~~ opportunity for the involvement of local social service agencies, local developmental disabilities councils, state institutions and other service providers and advocacy organizations in the planning and coordination of service delivery.

2. The board shall employ a Qualified Mental Retardation Professional Person to coordinate service delivery in the area and develop a service delivery plan for the area served on a biennial basis.

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a. The board shall take the lead in the planning and development of services not available through service providers, public and private agencies, educational and judicial agencies.

b. The board shall identify the service categories available in and outside of the geographical area for its mental retardation population, including those provided by private individuals or agencies, local public agencies and state institutions.

c. The board shall identify in priority of need order services that are not available to its mental retardation population.

d. The board shall provide or arrange for service[[s]] categories needed, as specified in the service delivery plan, within the means provided in grants-in-aid by the state agency.

e. Copies of the plan shall be submitted to the state agency in approved format on or before July 1 of the year preceding the biennial legislative session for purposes of budget planning and legislative proposals. Copies of the plan shall be made available to agencies involved in related planning activities.

3. The board shall provide psychological and psychiatric diagnostic evaluation, client and parental counseling and assistance in care planning for persons who are or may be mentally retarded as requested by the client or the local social services agencies in the area served by the board.

4. The board shall submit a letter of recommendation to the Commissioner concerning the need, location and program for facilities and services applying for license under Minn. Stat. § 252.28.

E. Service categories.

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

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

b. Assessment services: The systematic determination of pertinent physical, psychological, vocational, educational, cultural, social, economic, legal, environmental and other factors of the mentally retarded person and his/her family; to determine the extent to which the disability limits can be expected to limit the person's daily living and work activity; to determine how and to what extent the disabling conditions may be expected to be minimized by services; to determine the nature and scope of services to be provided; to select service objectives which are commensurate with an individual service plan of action. It is to be followed at whatever intervals are needed by periodic reassessment; services are to be provided whenever necessary in the life of the individual. Assessment services are directed toward the effects of the disability and toward maximizing life functions in the face of remaining conditions.

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

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

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

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

g. Counseling: A face-to-face relationship with the mentally retarded individual and/or parent, siblings or other relatives in order to help the individual understand and ac-

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cept his/her capabilities and limitations, and to carry through on a program of adjustment and self-improvement. This requires knowledge of human behavior and the use of special interviewing skills to achieve specified goals mutually accepted by counselor and client (or parent/guardian). Counseling is an episodic activity carried out when the need arises. Its focus is upon the solution of specific problems.

h. Diagnostic services: Coordinated services including, but not limited to, psychological services, social services, medical and other services necessary to identify the presence of a disability, it causes and its complications. Diagnosis is a current assessment of the client's condition and shall be a guiding factor in the development of the individual service plan. Diagnostic review is to be made whenever necessary in the life of the mentally retarded person, according to [(III), (A), (5),] C.1.d. of this rule.

i. Domiciliary (residential) care: Out of home living quarters, supervision and personal care to persons needing such care and services. Domiciliary care services differ from special living arrangements by its higher degree of supervision and the greater amount of personal care needed, as compared to [(19)]. — Special living arrangements.

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

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

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

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

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

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

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

q. Sheltered employment: A structured service providing partial self-support through the employment of the retarded worker under conditions which allow for low production rate, need for special work supervision, inability to handle a full range of job duties, or need for special job engineering and adaptive equipment. [[Sheltered employment is usually provided in sheltered workshops although it may be individually certified and secured in an otherwise competitive setting. It is offered under a Federal Wage and Hour certificate and must pay at least one-half the usual minimum wage. An individual may be temporarily certified for one-fourth the minimum wage during a training program. The sheltered workshop certificate may also cover payment of a limited wage during the time a client is in evaluation or training.]]

r. Special education: A structured learning experience, based upon appropriate assessment and through the use of a broad curriculum of practical academic subjects primarily designed to develop the ability to learn and to

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acquire useful knowledge and basic skills in its earliest stages. In its later stages, it grades all the way through the equivalent of a secondary education and appropriately interacts with the occupational service system, such as work adjustment. Special education is legally required of the public school district acting either as direct provider or as purchaser of the service.

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

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

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

w. Vocational evaluation: Assessment of worker

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

x. Volunteer services: Volunteer activities by individuals, service organizations and advocacy groups, provide a variety of services on a group or one-to-one basis that supplements and augments services provided to mentally retarded persons. This may also include participation in advisory committees, advocacy activities and other forms of personal support to individuals. Such services are not to supplant staff services, and are ordinarily provided by unpaid persons and groups.

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

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

OFFICIAL NOTICES

Department of Transportation

Notice of Public Meetings on State Transportation Plan

Public information meetings on the State Transportation Plan have been scheduled by the Minnesota Department of Transportation (Mn/DOT). One meeting will be held in each Regional Development Commission District. The pur-

pose of the meetings is to identify the transportation issues, concerns, and problems which the plan must address. The meeting schedule is:

Region	Date	City	Time	Place
RDC 1*	March 29	Warren	7:00 pm	State Bank Building
RDC 2	April 14	Bemidji	7:30 pm	J. W. Smith Elementary School 18th St. and America Ave.
RDC 3	April 12	Grand Rapids	7:30 pm	Rainbow Inn Motel Gold Room
RDC 3	April 13	Duluth	7:00 pm	First United Methodist Church Lakeview Room Skyline Parkway Central Entrance
RDC 4	April 7	Fergus Falls	7:30 pm	Fergus Falls Community College Old Highway 210 West
RDC 5	March 30	Staples	7:30 pm	North Campus of the Vocational School Airport Road
RDC 6E	April 26	Willmar	7:30 pm	Willmar Community College Rm. L-10 Library
RDC 6W	April 27	Appleton	7:30 pm	Civic Center 323 West Schlieman Avenue
RDC 7E	March 31	Mora	7:30 pm	Kanabec County Court House 18 North Vine Street
RDC 7W	April 5	St. Cloud	7:30 pm	City Hall Annex 4th Avenue North
RDC 8	April 19	Slayton	7:30 pm	Murray County Court House Annex
RDC 9	April 28	Mankato	7:30 pm	Holiday Inn
RDC 10	April 20	Rochester	7:30 pm	Holiday Inn, Downtown
RDC 11	April 21	St. Paul	7:30 pm	State Office Building Auditorium Wabasha St. (Between Aurora and Fuller)

*Regional Development Commission

Questions should be directed to:

Peter Fausch
Director of Transportation Development
Minnesota Department of Transportation
St. Paul, Minnesota 55155

or call 612-296-3152

**Department of Commerce
Banking Division**

**Maximum Lawful Rate of Interest for
Mortgages for the Month of April,
1977.**

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to the Conventional Home Loan Assistance and Protection Act, Minnesota Laws 1976, Chapter 300, hereby determines that the maximum lawful rate of interest for home mortgages for the month of April, 1977, is nine and one-quarter (9.25) percent.

Robert A. Mampel
Commissioner of Banks
March 9, 1977

Department of Education

**Notice of Intent to Solicit Outside Opinion
Regarding Rules for School District
Balance Sheets, Account Groups and
the Verification Procedures Used in
Confirming Statutory Operating Debt**

The Department of Education is drafting rules establishing standards for school district balance sheets, account groups and the verification procedures used in confirming statutory operating debt. The rules are authorized by Minn. Stat. § 121.914. In addition, a definition of "audit" and "audited financial statements" is being prepared to amend EDU 764.

The department invites interested persons or groups to provide information, comment and advice on the subject, in writing or to arrange for an oral presentation, to the Advisory Council on Uniform Financial Accounting and Reporting Standards, 736 Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record.

EQC MONITOR

Environmental Quality Council

Actions Taken at the March 8, 1977 EQC Meeting

1. Found adequate the Environmental Assessment (EA) on Chippewa Trails residential development in Plymouth and determined this is not a major private action of more than local significance with the potential for significant environmental effects and no Environmental Impact Statement (EIS) is required.

2. Found adequate the EA on Cobblestone Lakeview residential development addition in Apple Valley and determined this is not a major private action of more than local significance with the potential for significant environmental effects and no EIS is required.

3. Found adequate the EA on Forest Park residential development in Apple Valley and determined this is not a major private action of more than local significance with the potential for significant environmental effects and no EIS is required.

4. Found adequate the EA on Wayzata Place condominium development in Wayzata and determined this is not a major private action of more than local significance with the potential for significant environmental effects and no EIS is required.

5. Found adequate the EA on County State Aid Highway #12 in Washington County and determined this is not a major governmental action with the potential for significant environmental effects and no EIS is required.

6. Accepted the EA on Intermix Cement Plant in Duluth and determined this is a major private action of not more than local significance. Potential environmental effects will be addressed through the Minnesota Pollution Control Agency's permit process and no EIS is required.

7. Found adequate the EA on Winger to Wilton 230 kilovolt high voltage transmission line (Otter Tail and Minnesota Power) and no EIS is required.

8. Found the proposed Duluth Library is neither of more than local significance nor has the potential for significant environmental effects and disqualified the petition by order.

9. Failed to support motion for assessment of Duluth Airport runway improvement.

10. Referred Minnesota Power and Light application for Phase II limited work at Clay Boswell Unit #4 near Cohasset

to the Minnesota Pollution Control Agency for additional review and comment and delayed action to April 12, 1977 EQC meeting.

11. Granted Minnesota Pollution Control Agency extension to March 22, 1977 for submittal of EA on Northern States Power Company Prairie Island spent fuel expansion proposal.

12. Received for review the Final EIS on Cooperative Power Association/United Power Association 345 kilovolt high voltage transmission line from Dickinson to Willmarth.

13. Received Minnesota Power and Light application for minor route alteration in response to a request by landowners in Carlton and Pine Counties (MP&L-TR-1).

14. Tabled petition on Dome Pipeline until task force has prepared answers to concerns expressed regarding that project.

Receipt of Final EIS on Interstate 94 in Washington County

The Final Environmental Impact Statement (EIS) for Interstate Highway 94 extending from Interstate 494/694 Interchange to Trunk Highway 95 Interchange, Washington County, was submitted to the Environmental Quality Council (EQC) by Minnesota Department of Transportation on March 10, 1977.

The proposed action is a 10-mile highway section which will provide a basic four-lane freeway with additional lanes added at various locations.

For additional information about this proposal, contact:

District Engineer
Minnesota Department of Transportation
Division of Highways — District 9
3485 Hadley Avenue North
P.O. Box 2050
North St. Paul, MN 55109
612/770-2311

or

Division Administrator
Federal Highway Administration
Suite 490, Metro Square Building
St. Paul, MN 55101
612/725-7001

This Final EIS will be discussed at the EQC Technical Committee meeting on Wednesday, March 23, and the EQC

will make a determination whether to review the document for adequacy at its April 11, 1977 meeting.

If the Council decides to review the Final EIS, a determination on its adequacy will be made at the first EQC meeting held more than 45 days after review commences. A Council decision not to review this EIS would constitute acceptance of the EIS. No governmental approval of this action can be granted prior to EQC acceptance of the Final EIS.

Environmental Review Program Distribution List

All Environmental Assessment Worksheets (EAWs), and Draft and Final Environmental Impact Statements (EISs) prepared in accord with the Rules for the Environmental Review Program (MEQC 21-41) as published in State Register Vol. 1 No. 29, January 24, 1977 (1 S.R. 1093) must be distributed as indicated in the following list.

State Planning Agency

Peter Vanderpoel, Director
State Planning Agency
Room 101, Capitol Square Building
550 Cedar Street
St. Paul, MN 55101 1 copy

Tom Rulland (TC)
Manager, Environmental Mgmt. Programs
Room 100, Capitol Square Building
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Transportation

James Harrington, Commissioner (EQC)
Department of Transportation
Room 411, Transportation Building
John Ireland Boulevard
St. Paul, MN 55155 1 copy

Terry Hoffman (TC)
Department of Transportation
Room 807, Transportation Building
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Pollution Control Agency

Sandra Gardebring, Director (EQC)
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Environmental Quality Council Staff

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Charles Kenow, Coordinator
Environmental Review Program
Room 100, Capitol Square Building
550 Cedar Street
St. Paul, MN 55101 1 copy

or

Nancy Onkka, Environmental Planner
(address — same as above)

or

William Middleton, Environmental Planner
(address — same as above)

Agriculture

Jon Wefald, Commissioner (EQC)
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Randy Young (TC)
Department of Agriculture
Room 560, State Office Building
St. Paul, MN 55155 1 copy

Health

Warren Lawson, Commissioner (EQC)
Department of Health
717 Delaware Street S.E.
Minneapolis, MN 55440 1 copy

Charles Settle (TC)
Department of Health
717 Delaware Street S.E.
Minneapolis, MN 55440 1 copy

EQC Monitor

Energy Agency

John Millhone, Director (EQC)
MN Energy Agency
740 American Center Building
160 East Kellogg Boulevard
St. Paul, MN 55101 1 copy

Karen Cole (TC)
MN Energy Agency
740 American Center Building
160 East Kellogg Boulevard
St. Paul, MN 55101 1 copy

Governor's Office

Ronnie Brooks (EQC)
Special Assistant to the Governor
Room 130, State Capitol
St. Paul, MN 55155 1 copy

Citizen EQC Members

There are four citizen EQC members:

Richard Magnuson	1 copy
Wesley Ohman	1 copy
Barbara Lukermann	1 copy
Mrs. Gwen Schwartz	1 copy

Send their copies to the EQC offices for distribution

Gary Johnson — **Senate**
Room 24D, State Capitol
St. Paul, MN 55155 1 copy

Jackie Burke — **House of Representatives**
Room 225, State Office Building
St. Paul, MN 55155 notice only

Environmental Conservation Library
300 Nicollet Mall
Minneapolis, MN 55401 2 copies

Regional Development Commission

1 copy for the region(s) affected:

Region 1 (Northwest)
Eugene Abbott, Executive Director
425 Woodland Avenue
Crookston, MN 56716

Region 2 (Headwaters)
John Ostrem, Executive Director
Mental Health Building
Box 584
Bemidji, MN 56601

Region 3 (Arrowhead)
Rudy Esala, Executive Director
200 Arrowhead Place
211 West Second Street
Duluth, MN 55802

Region 4 (West Central)
John Sem, Executive Director
Administration Building
Fergus Falls Community College
Fergus Falls, MN 56537

Region 5
Robert F. Benner, Executive Director
102-6th Street North
Staples, MN 56479

Region 6E (Six East)
Eugene Hippe, Executive Director
City Auditorium
311 West 6th Street
Willmar, MN 56201

Region 6W (Upper MN Valley Regional Development Commission)
Dennis Dahlem, Executive Director
323 West Schlieman
Appleton, MN 56208

Region 7E (East Central)
John Hill, Executive Director
Kanabec County Courthouse
18 North Vine Street
Mora, MN 55051

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2700-1st Street North
St. Cloud, MN 56301

Region 8 (Southwest)
Mark Atchison, Executive Director
2711 Broadway
Slayton, MN 56172

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Terence Stone, Executive Director
Manpower Services Building
709 North Front Street
Mankato, MN 56001

Region 10 (Southeastern Minnesota)
Rolf Middleton, Executive Director
301 Marquette Bank Building
South Broadway at 2nd St. S.E.
Rochester, MN 55901

Region 11 (Metropolitan Council)
John Boland, Chairman
Room 300 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Regional Library

1 copy for the region(s) affected:

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Polk County-Crookston Library
120 North Ash Street
Crookston, MN 56716

Region 2
Bemidji Public Library
Sixth and Beltrami
Bemidji, MN 56601

Region 3
Duluth Public Library
101 West Second
Duluth, MN 55802

Region 4
Fergus Falls Public Library
125 North Union
Fergus Falls, MN 56537

Region 5
Kitchigami Regional Library
Pine River, MN 56474

Region 6E
Crow River Regional Library
Attn: Burt Sundberg
410 West Fifth
Willmar, MN 56201

Region 6W
Chippewa County Library
224 South First Street
Montevideo, MN 56265

Region 7E
East Central Regional Library
240 Third Avenue S.W.
Cambridge, MN 55008

Region 7W
Great River Regional Library
124 South Fifth Avenue
St. Cloud, MN 56301

Region 8
Marshall-Lyon County Library
301 West Lyon Street
Marshall, MN 56258

Region 9
MN Valley Regional Library
120 South Broad Street
Mankato, MN 56001

Region 10
Rochester Public Library
Broadway at First Street S.E.
Rochester, MN 55901

Local Units of Government

Mail a copy to the city and county directly impacted, and to adjacent counties or municipalities likely to be directly impacted by the proposed action.

For further information regarding this list contact EQC Information (612) 296-2723. Approximately 30 copies needed for distribution.

Capitol Area Architectural and Planning Board

Review of Environmental Assessment on Capitol Building Annex in St. Paul

The Environmental Assessment on the proposed underground Capitol Building Annex for the Capitol Complex Area in St. Paul will be reviewed by the Environmental Quality Council (EQC) Technical Committee on March 23, 1977, and a determination of the need for an Environmental Impact Statement will be made by the EQC at a special meeting at 8:30 a.m. on March 29, 1977 in the Veterans Service Building, 5th Floor, Conference Room D; 20 W. 12th Street, St. Paul.

The Capitol Area Architectural and Planning Board is the Responsible Agency for the proposal, which consists of legislative hearing rooms, State Historical Museum, educational facilities, auditorium, cafeteria, and parking facilities. All facilities would be located underground. Implementation of a master landscape plan for the entire mall is also included in the proposal.

For further information contact:

Gary Grefenberg, Exec. Secretary
Capitol Area Architectural and
Planning Board
Room 400 S.W.
State Office Building
St. Paul, Minnesota 55155
612/296-7138

Copies of the Environmental Assessment are available for inspection at the Capitol Area Architectural and Planning Board Office; the EQC office at 100 Capitol Square Building, 550 Cedar Street, St. Paul; and the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis.

Minnesota Energy Agency Koch Refining Company Certificate of Need Application and Contested Case Hearing

An application for a Certificate of Need for a 1.2 million barrel oil storage facility was submitted to the Energy Agency by Koch Refining Company on March 10, 1977. The facility would be located in Rosemount, Dakota County, E ½ of N ¼ and NE ¼ of SW ¼, Sec. 13 Twp. 115N R19W.

Questions regarding this project should be directed to: Leticia Chard, MN Energy Agency, 150 East Kellogg Blvd., 612/296-8438.

Order for Hearing and Notice Thereof

In the matter of the Application of Koch Refining Company for a Certificate of Need for a Large Oil Storage Facility, Submitted March 10, 1977.

IT IS HEREBY ORDERED, and notice is hereby given, that a contested case hearing concerning the above-entitled matter will commence at 9:30 a.m. on April 25, 1977, in Room 300, 1745 University Avenue, Saint Paul, Minnesota. The hearing may continue at times and places to be specified by the Hearing Examiner.

The hearing will be held before William Seltzer, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota, 55104, telephone (612) 296-8105, an independent hearing examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411

through 15.052 and procedural rules Minn. Regs. HE 201-222 and EA 500-520. Where the procedural rules conflict, the Hearing Examiner's Rules, HE 201-222, supersede the Agency's rules, EA 500-520. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Dwight S. Wagenius, 740 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, 55101, telephone (612) 296-8278.

The purpose of the hearing is to determine whether Koch Refining Company (hereinafter the "applicant") has justified its need for the proposed facility in its application filed pursuant to Minn. Stat. § 116H.13 (1974) and Minn. Regs. EA 1001-1091. The hearing will address, among other things, the accuracy of the applicant's forecast of demand for the type of energy that will be supplied by the proposed facility, and alternative ways of meeting the demand. Determination must be made whether the consequences of granting the certificate of need outweigh the consequences of denying it, considering socioeconomic and environmental factors. In addition, a certificate of need cannot be granted if it has been demonstrated on the record that the proposed facility will fail to comply with relevant policies, rules and regulations of other state agencies, federal agencies, and local governments which have been considered during the hearing process.

Any person wishing to become a party to the proceeding must file a Notice of Intervention or a Petition for Leave to Intervene with the Hearing Examiner pursuant to Minn. Regs. EA 506 and HE 210(a). The Notice or Petition must be received by the Hearing Examiner on or before April 20, 1977, and a copy must be served on the Energy Agency and on the applicant.

Any person who wishes to give testimony, present other evidence or exhibits, or note his appearance at the hearing may do so, pursuant to Minn. Reg. HE 210(e), without having attained party status by intervention. Registration forms for such appearances will be available at the hearing.

All persons are advised that no factual information or evidence, except tax returns and tax reports, which is not part of the hearing record shall be considered by the Hearing Examiner or by the Director in the determination of the above-entitled matter. Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

The procedural rules cited above are available for review at the Office of Hearing Examiners (Minn. Regs. HE 201-222) and at the offices of the Energy Agency (Minn. Regs. EA 500-520). The applicant's application for a certificate of need and the substantive rules applicable to this matter, Minn. Regs. EA 1001-1091, are also available for

review at the offices of the Energy Agency. All rules may be purchased from the Documents Section, Department of Administration, 140 Centennial Building, Saint Paul, Minnesota, 55155, telephone (612) 296-2874. The cited procedural rules provide generally for the procedural rights and obligations of the parties including the right to advance notice of witnesses and evidence, the right to present evidence and cross-examine witnesses, the right to purchase a record or transcript, the right to object to petitions for intervention, the obligation to meet certain time limits, the obligation to file proposed findings and conclusions, and the right to file comments on and exceptions to the findings and recommendation of the Hearing Examiner.

Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence. Requests for subpoenas must be made of the Hearing Examiner in writing, pursuant to Minn. Reg. HE 216.

If persons have good reason for requesting a delay in the hearing, the request must be made in writing to the

Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the Agency and any other parties.

Dated: March 11, 1977

John P. Millhone
Director

ERRATA

1. 1 S.R. 1282: insert space after "a" and before "project" at SPA 303 D.1.

2. 1 S.R. 1282: delete "The regional development commission for a project review." after "review." and before "The regional" at SPA 303 D.1.

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I