

State

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STATE OF
MINNESOTA

Register

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Construction and Reconstruction of Bridges in Minnesota

— Proposed Rules from the Department of Highways

VOLUME 1, NUMBER 8

AUGUST 30, 1976

Rules

MINNESOTA PUBLIC SERVICE COMMISSION

UTILITIES DIVISION

RULES GOVERNING INTERNAL OPERATION OF GAS AND ELECTRIC COMPANIES

Chapter Eleven

PSC 350 Definitions applicable to the Minnesota Uniform System of Accounts. For the purpose of rules 350-352, the following definitions shall apply:

A. "Appropriate" refers to those accounts which apply to a gas utility if the utility is a gas utility; or to those accounts which apply to an electric utility if the utility is an electric utility.

B. "FPC Uniform System of Accounts" means the Federal Power Commission Uniform System of Accounts for both gas and electric utilities and all Federal Power Commission orders, pronouncements, rules and regulations changing or amending the FPC Uniform System of Accounts.

C. "REA" means the Rural Electrification Administration of the United States Department of Agriculture.

D. "Public Utility" is defined in Section 2, Subd. 4 of the Minnesota Public Utilities Act and shall also include municipally-owned utilities.

PSC 351 Procedure applicable to the Minnesota Uniform System of Accounts. The following criteria shall apply to the Minnesota Uniform System of Accounts:

A. All public utilities shall conform to the appropriate FPC Uniform System of Accounts with the following clarifications:

1. When appearing in the original FPC text the following terms shall be interpreted as stated below for the purpose of regulation under the Minnesota Public Utilities Act:

a. Commission or Federal Power Commission shall be interpreted as the Minnesota Public Service Commission.

b. Utility shall be interpreted as a Minnesota public utility.

2. Minnesota Cooperative Electric Associations shall conform to the FPC Uniform System of Accounts as modified by REA Bulletin 181-1.

3. A Minnesota public utility, for reporting pur-

poses, shall be classified as an A, B, C or D utility based upon gross revenues of Minnesota utility operations.

4. All FPC orders, pronouncements or changes affecting the FPC Uniform System of Accounts and all REA orders, pronouncements or changes affecting the REA modifications to the FPC Uniform System of Accounts after January 1, 1975 shall be effective for accounting and reporting purposes on the effective date of the orders, pronouncements or changes. However, the Commission reserves the right to suspend such orders, pronouncements or changes for Minnesota reporting purposes.

B. Public utilities with annual gross operating revenues of less than twenty-five thousand (\$25,000) dollars, not required to conform to the FPC Uniform System of Accounts as modified by REA Bulletin 181-1, shall follow the appropriate FPC System of Accounts for Class C and D utilities.

C. A public utility may petition the Commission for approval of an exception to a provision of the system of accounts. Such exception shall be granted to the public utility for good cause shown.

D. Public utilities with utility operations not located in Minnesota shall maintain accounting records in such a manner that the accounting information for Minnesota utility operations can be separated from the accounting information of utility operations not located in Minnesota. Methods used in such separations of accounting information are subject to approval of the Commission. The method of separation shall be submitted by petition to the Commission for review and approval six (6) months after the effective date of this rule or in the first related proceeding of the public utility, whichever comes first. A utility or the department staff may petition for a change in an approved separation procedure for good cause shown.

E. Public utilities engaged directly or indirectly in any other business than that of the production, transmission or furnishing of natural gas or electric service shall maintain separate records in accordance with the appropriate FPC System of Accounts or REA modifications to that system for such operations.

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Department of Administration

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Director,
Office of the State Register

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Executive Orders

EXECUTIVE ORDER NO. 60A

Providing for the Delegation of Health Planning and Development Authority to the Minnesota State Planning Agency.

I, Wendell R. Anderson, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable Statutes, hereby issue this Executive Order:

WHEREAS, P.L. 93-641, the National Health Planning and Resources Development Act of 1974, requires that the Governor designate an agency of state government to serve as the state health planning and development agency.

NOW, THEREFORE, I order, in accordance with the provisions of Minn. Stat. § 4.11, subd. 6 (1974) and the provision of Executive Order No. 60, as it relates to the delegation of authority of the Minnesota State Planning Agency, the following additional authority and responsibility be assigned to the Minnesota State Planning Agency (hereinafter "Agency"):

1. The Agency pursuant to P.L. 93-641, the National Health Planning and Resources Development Act, is designated as the State Health Planning and Development Agency and is assigned the authority and responsibility to execute Minnesota's state administrative program pursuant to Section 1522, to perform those health planning and development functions as prescribed by Section 1523, to coordinate and supervise the administration of any of those functions which may be assigned to another state agency as required for the implementation of P.L. 93-641 in Minnesota and to coordinate the network of seven health systems agencies in the state. As the State Health Planning and Development Agency, it shall perform those health planning activities of the state in conjunction with the Statewide Health Coordinating Council;

2. Further, pursuant to the authority of P.L. 93-641, Section 1524, there is established for the state of Minnesota, a Statewide Health Coordinating Council whose members are appointed by the Governor and whose responsibility will be to review and coordinate plans of each health systems agency within the state, prepare the state health plan, review the budget of each health systems agency, advise the state agency on performance of its functions, review and approve or dis-

approve any state plan and any application for funds under the Community Mental Health Centers Act and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and review and approve or disapprove the State Medical Facilities Plan; and,

3. Further, pursuant to P.L. 92-603, Section 1122, the Agency is designated as the state agency whose responsibility and authority will be to prepare and submit to the Secretary of Health, Education and Welfare, findings and recommendations on capital expenditures for health care facilities in the state.

This Order shall be effective on the date of publication in the State Register and shall be in force until rescinded by proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this nineteenth day of August, 1976.

Wendell R. Anderson

Rules

MINNESOTA PUBLIC SERVICE COMMISSION

UTILITIES DIVISION

RULES GOVERNING INTERNAL OPERATION OF GAS AND ELECTRIC COMPANIES

Chapter Eleven

PSC 350 Definitions applicable to the Minnesota Uniform System of Accounts. For the purpose of rules 350-352, the following definitions shall apply:

A. "Appropriate" refers to those accounts which apply to a gas utility if the utility is a gas utility; or to those accounts which apply to an electric utility if the utility is an electric utility.

B. "FPC Uniform System of Accounts" means the Federal Power Commission Uniform System of Accounts for both gas and electric utilities and all Federal Power Commission orders, pronouncements, rules and regulations changing or amending the FPC Uniform System of Accounts.

C. "REA" means the Rural Electrification Administration of the United States Department of Agriculture.

D. "Public Utility" is defined in Section 2, Subd. 4 of the Minnesota Public Utilities Act and shall also include municipally-owned utilities.

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A. All public utilities shall conform to the appropriate FPC Uniform System of Accounts with the following clarifications:

1. When appearing in the original FPC text the following terms shall be interpreted as stated below for the purpose of regulation under the Minnesota Public Utilities Act:

a. Commission or Federal Power Commission shall be interpreted as the Minnesota Public Service Commission.

b. Utility shall be interpreted as a Minnesota public utility.

2. Minnesota Cooperative Electric Associations shall conform to the FPC Uniform System of Accounts as modified by REA Bulletin 181-1.

3. A Minnesota public utility, for reporting pur-

poses, shall be classified as an A, B, C or D utility based upon gross revenues of Minnesota utility operations.

4. All FPC orders, pronouncements or changes affecting the FPC Uniform System of Accounts and all REA orders, pronouncements or changes affecting the REA modifications to the FPC Uniform System of Accounts after January 1, 1975 shall be effective for accounting and reporting purposes on the effective date of the orders, pronouncements or changes. However, the Commission reserves the right to suspend such orders, pronouncements or changes for Minnesota reporting purposes.

B. Public utilities with annual gross operating revenues of less than twenty-five thousand (\$25,000) dollars, not required to conform to the FPC Uniform System of Accounts as modified by REA Bulletin 181-1, shall follow the appropriate FPC System of Accounts for Class C and D utilities.

C. A public utility may petition the Commission for approval of an exception to a provision of the system of accounts. Such exception shall be granted to the public utility for good cause shown.

D. Public utilities with utility operations not located in Minnesota shall maintain accounting records in such a manner that the accounting information for Minnesota utility operations can be separated from the accounting information of utility operations not located in Minnesota. Methods used in such separations of accounting information are subject to approval of the Commission. The method of separation shall be submitted by petition to the Commission for review and approval six (6) months after the effective date of this rule or in the first related proceeding of the public utility, whichever comes first. A utility or the department staff may petition for a change in an approved separation procedure for good cause shown.

E. Public utilities engaged directly or indirectly in any other business than that of the production, transmission or furnishing of natural gas or electric service shall maintain separate records in accordance with the appropriate FPC System of Accounts or REA modifications to that system for such operations.

PSC 352 Implementation of the Minnesota Uniform System of Accounts. The following criteria apply to the implementation of the Minnesota Uniform System of Accounts:

A. Each public utility, not currently in compliance with the appropriate FPC Uniform System of Accounts shall implement the appropriate FPC Uniform System of Accounts by January 1, 1977. If a municipal utility is unable to comply by January 1, 1977 with any of the provisions of PSC 352, the municipal utility shall petition the Commission within three (3) months of the effective date of PSC 352 for an exception. The petition shall include the justification for non-compliance, the length of the desired extension of time, the plan for compliance and any actions taken to date to implement the appropriate FPC Uniform System of Accounts.

B. Public utilities using account numbers which differ from the FPC account numbers shall submit to the Department of Public Service by November 1, 1976:

1. Three (3) copies of such account numbers with the descriptive titles cross-referenced to the appropriate FPC account numbers.

2. Such copies shall be accompanied by a statement from a responsible utility officer verifying that such accounts can be translated into the appropriate FPC accounts for reporting and auditing purposes.

3. Subsequent changes to account numbers shall be submitted as they occur.

PSC 353-359 Reserved for future use.

PSC 360 Definitions: depreciation certification.

A. "Accumulated Provision for Depreciation" or "Depreciation Reserve" means the summation of charges for retirements, net salvage, and the annual provision for depreciation accrual(s) recorded by the utility under an approved method of depreciation accounting.

B. "Annual Provision for Depreciation Accrual" means the annual amount of depreciation charged to expenses and/or clearing accounts.

C. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the probable service life of an asset or liability to which it applies, or over a period during which it is anticipated the benefit will be realized.

D. "Cost of Removal" means the cost of demolish-

ing, dismantling, removing, tearing down or abandoning of physical assets, including the cost of transportation and handling incidental thereto.

E. "Depletion" means the reduction in available capacity incurred in connection with the exhaustion of natural resources in the course of their conversion into units of service.

F. "Depreciation," as applied to depreciable utility plant, means the loss in service value not restored by current maintenance; incurred in connection with the consumption or prospective retirement of utility plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear; decay; action of the elements; inadequacy, obsolescence; changes in the art, changes in demand and requirements of public authorities, and, in the case of natural gas companies, the exhaustion of natural resources. (For purposes of these rules, references to depreciation will include amortization and depletion, unless otherwise stated.)

G. "Depreciation Accounting" means a system of accounting which aims to distribute cost or other basic value of tangible capital assets, less salvage (if any), over the estimated useful life of the unit (which may be a group of assets) in a systematic and rational manner. It is a process of allocation, not of valuation.

H. "Net Salvage" means salvage of property retired less the cost of removal.

I. "Original Cost" means the cost of property to the person first devoting it to public service.

J. "Probable Service Life" of a unit means that period of time extending from the date of its installation to the forecasted date when it will probably be retired from service.

K. "Public Utility" means any electric or gas utility as defined in the Minnesota Public Utilities Act, Section 2, Subd. 4, and also any municipally-owned utility operating within the State of Minnesota and under the jurisdiction of the Commission.

L. "Salvage" means the amount received for assets retired, less any expenses incurred in connection with the sale or in preparing the assets for sale; or if retained, the amount at which the materials recoverable is chargeable to materials and supplies, or other appropriate accounts.

M. "Straight-Line Method" means the plan under which the original cost of an asset adjusted for net salvage is charged to operating expenses and/or to

KEY: New rules and both proposed and adopted additions to existing rules are printed in boldface. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

clearing accounts and credited to the accumulated provision for depreciation through equal annual charges over its probable service life.

N. "Service Value" means the difference between original cost and net salvage value of utility plant.

PSC 361 General provisions: depreciation certification.

A. All electric and gas utilities shall maintain, and have available for inspection by the Commission upon request, adequate accounts and records related to depreciation practices as defined herein.

B. Each utility has the prime responsibility for proposing the depreciation rates and methods that will be used. The Commission shall certify by order to the utility the depreciation rates and methods which it considers reasonable and proper.

C. Any allocation or adjustment of the depreciation reserve will require specific justification and certification by the Commission.

D. Class A and B utilities (as defined by the system of accounts) shall:

1. Maintain continuing property records.

2. Record depreciation accruals and reserves by functional group of plant accounts (e.g., distribution plant) or on an optional basis, by primary plant account (e.g., meters) for corporate ledger and balance sheet supporting schedule purposes.

3. Retain data in sufficient detail to conduct depreciation certification studies for the purpose of determining depreciation accruals and reserves by primary plant account.

4. Review their depreciation rates annually to determine if they are still generally appropriate. Depreciation certification studies shall be made so that all primary accounts shall have been analyzed at least every five (5) years.

E. Class C and D utilities shall:

1. Record a composite depreciation accrual and a composite reserve for the utility plant for corporate ledger and balance sheet purposes.

2. Retain data in sufficient detail to conduct depreciation certification studies for the purpose of determining depreciation accruals and reserves by functional group of plant accounts.

3. Review their depreciation rates annually to determine if they are still generally appropriate. Depreciation certification studies shall be made so that all functional groups of plant accounts have been analyzed at least every five (5) years.

F. Any utility may at its option follow the depreci-

ation rules prescribed herein for a larger class of utilities.

G. Either the utility may submit or the Commission may request a petition for depreciation certification because of unusual circumstances or unique situations.

PSC 362 Filing requirements: depreciation certification studies.

A. Initially upon Commission notification, and at least every five (5) years thereafter, each public utility shall file a petition for depreciation certification and the following depreciation schedules (for each year since the last certification) in the form prescribed by the Commission.

1. Plant in service (by primary account for Classes A, B, C, and D):

a. Beginning and ending plant balances.

b. Additions and retirements.

c. Adjustments and transfers.

2. Analysis of depreciation reserve (based on depreciation studies by primary account for Class A and B; by functional group for Class C and D):

a. Beginning and ending reserve balances.

b. Depreciation accruals and plant retirements.

c. Cost of removal and gross salvage value.

d. Transfers, adjustments and other debits (credits).

3. Summary of annual depreciation accruals (based on depreciation studies by primary account for Class A and B; by functional group for Classes C and D):

a. Plant balance.

b. Estimated net salvage.

c. Depreciation reserve.

d. Probable service life.

e. Depreciation accrual and rate.

B. In addition, all utilities shall provide with the petition for depreciation certification:

1. A list of accounts upon which the utility has made studies of the estimates of service life and salvage, the dollar effects and the results of these studies, and the utility-recommended depreciation rates for the accounts.

2. A list of any major future additions or retirements to the plant accounts that the utility believes may have a material effect on the current certification results.

C. All utilities shall furnish any additional documentation necessary to support findings of the study.

PSC 363 Prescribed methods: depreciation certification studies.

A. The Commission prescribes the straight-line method for calculating depreciation (excluding depletion) accruals.

B. Depletion costs should be allocated on the basis of the unit-of-production method.

C. Any exceptions to these methods will require specific justification and certification by the Commission.

D. No specific methods are prescribed by the Commission in estimating service lives and salvage values. The methods selected by each utility will be reviewed for appropriateness by the department staff as part of the utility's certification filing.

PSC 364 Petition for certification procedure.

A. Utilities shall petition the Commission for certification of depreciation rates and methods as prescribed by the Commission's rules of practice for petitions.

B. Prior to the initial certification of a utility's depreciation rates and methods, the depreciation rates and methods effective as of January 1, 1975 are to be used.

C. Depreciation rates and methods, once certified by order, are binding on all future rate proceedings and will remain in effect until the next certification or until the Commission shall determine otherwise.

D. If a utility is unable to comply by January 1, 1977 with any of the provisions of PSC 360-364, the utility shall petition the Commission within three (3) months of the effective date of these rules for a temporary exception. The petition shall include the justification for non-compliance, the duration of the desired exception, and the plan for compliance.

PSC 365-369 Reserved for future use.

PSC 370 Definitions for capital structure approval. For the purpose of rules 370-375, the following definitions shall apply:

A. "Capital Structure" means the total capitalization of the public utility as defined in the Minnesota Public Utilities Act and including short-term securities.

B. "Long-Term" security is any security not meeting the definition of short-term security.

C. "Public Utility" is as defined in Section 2, Subd. 4, Minnesota Public Utilities Act but not including cooperative electric associations.

D. "Security" is as defined in Section 49 of the Minnesota Public Utilities Act.

E. "Short-Term" security means any unsecured security with a date of maturity of no more than one year from the date of issuance; and containing no provisions for automatic renewal or "roll over" at the option of either the obligee or obligor.

PSC 371 General procedure for capital structure approval. The following shall apply to all petitions for capital structure approval:

A. Prior to the issuance of any security or securities, a public utility shall petition for and receive from the Commission approval of its capital structure. Such approval shall be by formal written order.

B. Commission Orders approving capital structure shall be effective for at least one (1) year, unless otherwise stated; or until the petitioner requests modification or revision; or until the Commission deems conditions affecting capital structure have changed sufficiently to warrant further review.

PSC 372 Capital structure approval required for issuance of long-term securities. The following procedure shall apply to the issuance of long-term securities:

A. A petition may include multiple issuance of securities, whereupon review, the Commission may approve the change in capital structure caused by such issuance in part or in total.

B. Petitions for approval of capital structure shall contain the information described in PSC 374 and PSC 375.

PSC 373 Capital structure approval required for issuance of short-term securities. The following procedure shall apply to issuance of short-term securities:

A. Public utilities which are required to obtain approval from the Commission for changes in capital structure caused by such issuance shall petition no later than sixty (60) days prior to the proposed first issuance, unless good cause shown.

B. Such petitions shall contain the following information:

1. Items 1. through 11. of PSC 374.

2. A statement of cash flow, by month showing the most recent available twenty-one (21) months actual data and forecasted data to the end of the period

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encompassed by the petition. Such data shall be filed on forms prescribed by the Commission.

3. A descriptive summary of the assumptions made in the development of such statement of cash flow.

C. Upon approval of capital structure, the petitioner may issue short-term securities at its discretion provided such petitioner remains within the limits and restrictions set forth in the Commission's Order.

PSC 374 Filing requirements for capital structure approval. Petitions for approval of capital structure shall contain one (1) original and three (3) copies of the following data, either in the body of the petition or in exhibits attached thereto:

A. A descriptive title.

B. A table of contents.

C. The exact name of the petitioner and address of its principal business office.

D. Name, address and telephone number of the person authorized to receive notices and communications with respect to the petition.

E. A verified statement by a responsible officer of the petitioner attesting to the accuracy and completeness of the enclosed information.

F. The purpose for which the securities are to be issued.

G. Copies of resolutions by the directors authorizing the petition for the issue or assumption of liability in respect to which the petition is made; and if approval of stockholders has been obtained, copies of the resolution of the stockholders shall be furnished.

H. A statement as to whether, at the time of filing of the petition, the petitioner knows of any person who is an "Affiliated Interest" within the meaning of Section 48 of the Minnesota Public Utilities Act, who has received or is entitled to receive a fee for services in connection with the negotiations or consummation of the issuance of the securities, or for services in securing underwriters, sellers or purchasers of the securities.

I. A signed copy of the opinion of counsel in respect to the legality of the issue or assumption of liability.

J. A balance sheet dated no earlier than six (6) months prior to the date of the petition together with an income statement and statement of changes in financial position covering the twelve (12) months then ended. When the petitions include long-term securities, such statements shall show the effects of the issuance on such balance sheet and income statement.

K. A description of the security or securities to be issued.

L. An estimate of the interest or dividend cost per one hundred (\$100) dollars principal amount (except in the case of common stock), and a description of any anticipated terms or indenture provisions.

M. If the petitioner is a corporation, a copy of its current articles of incorporation certified by the Secretary of State of incorporation. If the current articles have already been filed, the petitioner need only make specific reference to such filings.

N. The following information shall be attached as exhibits to the petition:

1. The amount and kinds of stock authorized by articles of incorporation and amount outstanding.

2. The terms of preference of preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.

3. A brief description of each security agreement, mortgage and deed of trust upon petitioner's property, showing date of execution, debtor and secured party, mortgagor and mortgagee and trustor and beneficiary, amount of indebtedness authorized to be secured thereby, and amount of indebtedness actually secured, together with any sinking fund provision.

4. The amount of bonds authorized and issued that exceed one (1%) percent of total debt giving the name of the public utility which issued same, describing each class separately, and giving the date of issue, par value, rate of interest, date of maturity and how secured, together with the amount of interest paid thereon during the last fiscal year.

5. Each note outstanding with a maturity of more than one (1) year and which exceeds one (1%) percent of total debt, giving the date of issue, the amount, the date of maturity, the rate of interest, in whose favor, together with the amount of interest paid thereon during the last fiscal year.

6. Other indebtedness with a maturity of more than one (1) year, by class, together with the amount of interest paid thereon during the last fiscal year.

7. The rate and amount of dividends paid during the five (5) previous fiscal years.

O. A statement of the manner in which such securities will be issued; and if invitations for sealed written proposals (competitive bidding) are not anticipated, an explanation of the decision not to invite such proposals shall be submitted.

P. A copy of each plan, offer or agreement for the reorganization or readjustment of indebtedness or capitalization or for the retirement or exchange of securities.

Q. If any of the above filing requirements are provided in petitions or applications to other regulatory

agencies, then such petitions or applications, properly cross referenced in item 2., may be submitted in lieu of the specific filing requirements.

R. Such additional information that the staff or Commission may require in a particular case.

S. If a filing requirement does not apply, it shall be so stated with an explanation why it does not apply.

PSC 375 Additional information. Two copies of the following information shall be filed when or as available.

A. A copy of the final registration statement, if any, and financial exhibits made a part thereof, filed with The Securities and Exchange Commission in accordance with The Securities Act of 1933.

B. If an invitation for sealed written public proposals for the purchase or underwriting of such securities has been made, a summary of the terms of the proposals received, including the name of each bidder or representative of a bidding group, the interest or dividend rate specified (where applicable), the price to be paid the issuer per unit or one hundred (\$100) dollars principal amount, the cost of money to the issuer (except in the case of common stock), the name of the successful bidder, and the successful bidder's initial public offering price and the resulting yield to the public (except in the case of common stock).

PSC 376-379 Reserved for future use.

PSC 380 Definition for approval to acquire property. For the purpose of rules 380-382, the following definitions shall apply:

A. "Consolidation" means the combination of the assets and liabilities of a public utility with another public utility.

B. "Consideration" means anything of value given as an equivalent or a return for the property acquired.

C. "Merger" means the acquisition of the assets or the assets and liabilities or the equity securities of a public utility by a public utility.

D. "Party" means all persons, partnerships, corporations, or other business entities or their representatives whose approval is necessary to consummate the transaction.

E. "Public Utility" is as defined in Section 2, Minnesota Public Utilities Act, but not including cooperative electric associations.

F. "Transfer of Property" means the sale or acquisition of an operating unit or system for a consideration valued at greater than one hundred thousand (\$100,000) dollars; or if a rental or lease, for consideration greater than one hundred thousand (\$100,000) dollars over the life of the rental or lease.

G. "Transaction" means the consummation of a transfer of property, of a merger or of a consolidation.

PSC 381 Procedure for approval to acquire property.

A. A public utility, prior to entering into a transaction, shall petition for and receive from the Commission by formal written order approval for such transaction.

B. A petition for approval of capital structure (PSC 370-375) shall be filed concurrently with the petition for approval of transfer, merger or consolidation if consideration for such a transaction is a security or securities as defined in PSC 370.

C. The Commission may require an independent valuation of the property involved in the transaction.

PSC 382 Filing requirements for petitions to acquire property. Petitions for approval to acquire property shall contain one (1) original and three (3) copies of the following information, either in the petition or as exhibits attached thereto:

A. Petitions for approval of a merger or of a consolidation shall be accompanied by the following:

1. The petition signed by all parties.
2. All information, for each public utility, as required in PSC 374 and 375.
3. The detailed reasons of the petition and each party for entering into the proposed transaction, and all facts warranting the same.
4. The full terms and conditions of the proposed merger or consolidation.

B. Petitions for approval of a transfer of property shall be accompanied by the following:

1. All information as required in PSC 374, items 1. through 10.
2. The agreed upon purchase price and the terms for payment and other considerations.

C. A description of the property involved in the transaction including any franchises, permits or operative rights, and the original cost of such property, in-

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dividually or by class, the depreciation and amortization reserves applicable to such property, individually or by class. If the original cost is unknown, an estimate shall be made of such cost. A detailed description of the method and all supporting documents used in such estimate shall be submitted.

D. Other pertinent facts or additional information that the Commission may require.

PSC 383-384 Reserved for future use.

PSC 385 Definitions for regulation of affiliated interests. For the purpose of Rules 385-388, the following definitions shall apply:

A. "Affiliated Interest" is as defined in Section 48, Minnesota Public Utilities Act.

B. "Agreement" means a contract duly executed and legally binding on the public utility and the affiliated interest.

C. "Contract" or "Arrangement" means a mutual obligation, written or unwritten, between a public utility and an affiliated interest.

D. "Consideration" means the value of the contract or agreement expressed in dollars.

E. "Person" means the beneficial owner of any voting securities or any person directly or indirectly in control of such voting securities. A person shall be considered to be directly or indirectly in control of such voting securities including, but not limited to, voting securities owned or held by a relative or spouse or relative of the spouse residing in the home of such person; or voting securities owned or held by such person as a trustee, lessee, executor, or through any associate person controlling, controlled by or under common control with such person in which such person owns five (5) percent or more of the voting securities of a public utility.

F. "Public Utility" is as defined in Section 2, Minnesota Public Utilities Act, but not including a cooperative electric association.

G. "Staff" means the staff of the Department of Public Service.

H. "Voting Security" means any equity security or similar security with the power, presently exercisable, to vote for the election of directors; or any security presently convertible into such a security; or a warrant, option or right, presently exercisable, to obtain such a security.

PSC 386 Procedure for regulation of affiliated interest.

A. A corporation or person shall be deemed to be an affiliated interest:

1. If such corporation or person owns or controls or has the right to acquire through the exercise of presently exercisable options, warrants, or rights; or through the conversion of securities or otherwise, five (5) percent or more of the voting securities of the public utility; where;

2. The securities subject to such options, warrants, rights, or conversion privileges held by such corporation or person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding voting securities owned or controlled by such corporation or person but shall not be deemed to be outstanding for the purpose of computing the percentage owned by any other corporation or person.

B. A public utility, prior to entering into a contract or agreement, or making any modifications or revisions to existing contracts or agreements with an affiliated interest, where the total consideration for such contract agreement is in excess of \$10,000 or five (5) percent of the capital equity of the utility, whichever is less, shall petition for and receive approval from the Commission by formal written order.

C. Contracts or agreements requiring Commission approval which are entered into after January 1, 1975, without Commission approval shall be null and void. Upon determining a contract or agreement null and void, the Commission may require any consideration received by the affiliated interest for such contract or agreement to be remitted to the public utility.

D. Information presented to the Department shall be verified under oath by the president, a vice-president, or secretary of the reporting public utility, and is effective as of the date of verification.

PSC 387 Filing requirements for utilities with affiliated interests. Each public utility shall file with the Commission:

A. By April 1 of each year:

1. A list of all corporations and persons which own or hold, directly or indirectly, 5% or more of the voting securities of the reporting public utility. Such list shall show the number of units of each class of voting securities held, the percent which the individual holding of each class is to the total outstanding of that class, and the state or incorporation of each corporation.

2. A list of all corporations and persons which own or hold, directly or indirectly, 5% or more of the voting securities of any corporation in a chain of successive ownership of 5% or more of the voting securities of the reporting public utility. Such list shall show the number of units of each class of securities held, the percent which the individual holding of each class is to the total outstanding of that class, and the state of incorporation of each corporation.

3. A list of all corporations 5% or more of whose voting securities are owned by any corporation or person owning 5% or more of the voting securities of the reporting public utility, or by any corporation or person in any chain of successive ownership, of each public utility, as defined in b. above. Such list should indicate the name of the affiliated corporation or person which owns 5% or more of the voting securities of each corporation listed.

4. A list identifying:

a. All corporations operating a public utility or servicing organization furnishing management, supervisory, construction, engineering, accounting, financial, legal and similar services to the reporting public utility, which have one or more officers or one or more directors in common with the reporting public utility; and,

b. Every other organization which has directors in common with the public utility where the number of common directors is more than one-third of the total number of directors of the reporting public utility.

The above list should show for each corporation listed the names of the officers and directors which serve in common with the reporting public utility.

B. Petitions for approval of affiliated interest contracts or agreements accompanied by the following:

1. A descriptive title of each contract or agreement;

2. A copy of the contract or agreement, or modifications or revisions of an existing contract or agreement;

3. A list and the past history of all contracts or agreements outstanding between the petitioner and affiliated interest, the consideration received by the affiliated interest for such contracts or agreements and a verified summary of the relevant cost records pertaining to the same;

4. A descriptive summary of the pertinent facts and reasons why such contract or agreement is in the public interest;

5. Competitive bidding:

a. If invitations for sealed written public proposals for the furnishing of the service sought under the contract or agreement have been made, a summary of the terms of the proposals received, including the name of each bidder or representative of a bidding

group; and as an exhibit to the petition, a copy of each proposal received;

b. If invitations for sealed written proposals have not been made, an explanation of the decisions to that effect will be submitted.

C. Within thirty (30) days of the effective date of this rule, a list of all contracts and agreements between the reporting public utility and all affiliated interests which were in effect prior to January 1, 1975 and which have continued beyond that date. Such list shall contain:

1. A descriptive title of each contract or agreement;

2. A copy of the contract or agreement and all amendments thereto;

3. The date of the original contract, all amendments thereto, and the termination date;

4. If the contract or agreement is unwritten, a descriptive summary providing the information in b. and c.; and,

5. The original or verified summary of the cost records and the amount of consideration received by the affiliated interest.

PSC 388 Maintenance of records for the regulation of affiliated interests. Each public utility with contracts or agreements outstanding with affiliated interests, regardless of the amount of the consideration, shall maintain and provide the following records for inspection by the staff:

A. A copy of all contracts or agreements between the public utility and affiliated interests;

B. An accounting ledger and appropriate supporting documents for each contract or agreement showing by month:

1. The consideration received by the affiliated interest;

2. The relevant costs incurred by the affiliated interest in fulfilling the contract or agreement, and verified as to their accuracy and completeness by such affiliated interest;

3. And the estimated percent and the amount of the contract or of the agreement completed and the method of determining such estimate.

C. Such records shall be available to the staff during normal business hours at the principal office of the public utility in this state.

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Proposed Rulemaking

DEPARTMENT OF COMMERCE

INSURANCE DIVISION

PROPOSED RULES RELATING TO UNFAIR SEX OR MARITAL STATUS DISCRIMINATION

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Hearing Room, Commerce Department, Fifth Floor, Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, on October 6, 1976, commencing at 9:30 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104 to the attention of Hearing Examiner Steve Mihalchick, telephone number (612) 296-8112, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would aid in the enforcement of existing statutory and constitutional provisions prohibiting unfair discrimination. They will also guarantee greater access to insurance for those who previously would have been victims of sex or marital status discrimination. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Department of Insurance,

500 Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 15.0411, subd. 3 (1975), Minn. Stat. § 72A.20, subd. 1(9) (1974), and in conjunction with Minn. Stat. § 363.03, subd. 4 (1974). A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.1, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Berton W. Heaton
Commissioner of Insurance

Rules as Proposed

Ins 116 Discrimination on account of sex and/or marital status.

A. Authority. These regulations are promulgated pursuant to the authority granted to the Insurance Commissioner under the provisions of Minn. Stat. § 15.0411, subd. 3 (1975), Minn. Stat. § 72A.20, subd. 1(9) (1974), and in conjunction with Minn. Stat. § 363.03, subd. 4 (1974).

B. Purpose. The purpose of these regulations is to eliminate unfair discrimination based upon sex or

marital status in the terms and conditions of insurance contracts and in the underwriting criteria of insurance carriers.

C. Definition of contract. As used in these regulations, "contract" means any insurance policy, plan, certificate, subscriber agreement, statement of coverage, binder, rider or endorsement offered by any person or entity engaged in the business of insurance in this state.

D. Prohibited practices. No person or entity engaged in the business of insurance in this State shall refuse to

issue any contract of insurance or shall cancel or decline to renew such contract because of the sex and/or marital status of the insured or prospective insured. The amount of benefits payable, or any term, condition or type of coverage shall not be restricted, modified, excluded or reduced on the basis of the sex and/or marital status of the insured or prospective insured. Examples of the practices prohibited by this section include, but are not limited to:

1. denying, cancelling or refusing to renew coverage, or providing coverage on different terms, because the insured or prospective insured is residing with another person or persons not related to him or her by blood or marriage;

2. offering coverage to males gainfully employed at home, employed part-time or employed by relatives while denying or offering reduced coverage to females similarly employed;

3. reducing disability benefits for women who become disabled while not gainfully employed full-time outside the home when a similar reduction is not applied to men.

4. denying females waiver of premium provisions that are available to males or offering such provisions to females only for policy limits that are lower than those available to males;

5. denying maternity benefits to insureds or prospective insureds purchasing individual contracts when comparable family coverage contracts offer maternity benefits;

6. denying under group contracts, coverage to husbands of female employees when dependent coverage is available to wives of male employees;

7. offering coverage to males in certain occupations while denying coverage or offering more limited coverage to females in the same occupational categories;

8. offering males higher benefit levels and/or longer basic benefits periods than are offered to females who are in the same risk classifications;

9. offering contracts containing different definitions of disability for females and males;

10. offering contracts containing different waiting periods for females and males;

11. requiring female applicants to submit to medical examinations while not requiring males to submit to such examinations;

12. establishing different conditions or benefit options for males and females;

13. denying to divorced or single persons coverage available to married persons;

14. limiting the amount of coverage available to an insured or prospective insured based upon his or her marital status;

15. denying employees of one sex insurance benefits that are offered to dependents who are of the same sex as the employees.

E. Remedy for past discriminations. Any person who, prior to the effective date of these regulations, has been denied insurance coverage on the basis of sex and/or marital status may submit to the Commissioner, within one year following the effective date of these regulations, a petition setting forth the details of such denial to the best of such person's knowledge and belief. The Commissioner shall investigate the facts set forth in such petition and shall take such action as he deems appropriate.

F. Severability provision. If any provision of these regulations or the application thereof to any person or circumstance is for any reason held invalid, the remainder of the regulations and the application of such provision to any other persons or circumstances shall not be affected thereby.

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DEPARTMENT OF HIGHWAYS

PROPOSED RULES RELATING TO CONSTRUCTION AND RECONSTRUCTION OF BRIDGES IN MINNESOTA

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room 57 of the State Office Building, Park Avenue, between Aurora and Fuller, Saint Paul, Minnesota 55155 on September 30, 1976, commencing at 9:00 A.M., and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Howard L. Kaibel, Jr., Hearing Examiner, Office of the Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104.

These statements may be provided either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would establish procedures for applying for grants from the Minnesota State Transportation Fund by agencies and subdivisions of the State for the reconstruction and replacement of key bridges in the State of Minnesota.

A copy of the proposed rules is printed below. Additional copies will be available at the door on the date of the hearing. The Department's authority to promulgate the proposed rules is contained in Laws of 1976, ch. 339. A "statement of need" explaining why the Department of Highways feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Frank D. Marzitelli
Commissioner

Rules as Proposed

HWY 40 Rules for the construction and reconstruction of bridges in the state of Minnesota.

A. Purpose. The purpose of these rules is to carry out the mandate of the legislature and to implement that mandate as set forth in Laws of 1976, ch. 339.

B. Scope. The scope of these rules is intended to be confined within the framework of and consistent with Minn. Stat. ch. 161 and Laws of 1976, ch. 339.

C. Definitions.

1. Commissioner. The Commissioner of Transportation.

2. Agency. A county, municipality or township.

3. Urban Municipality. Any City having 5,000 or

more population determined in accordance with the provisions of law.

4. Regional Development Commission. A commission established by the State Planning Officer in accordance with Minn. Stat. ch. 462.

5. Metropolitan Council. A commission established in accordance with Minn. Stat. Chapter 473.

6. Bridge. A structure including supports erected over a depression or an obstruction as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of more than 20 feet between undercopings of abutments, or more than 20 feet between spring line of

arches, or extreme ends of openings for multiple boxes: it also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening. This definition of a bridge describes all railroad bridges, but for application of these rules all railroad bridges are excluded except for railroad bridges over or under a public highway or street.

7. **Construction.** The construction of a bridge to replace an existing deficient bridge or a bridge that has been destroyed to the design standards and specifications required by these rules. HWY 40 G.

8. **Reconstruction.** The reconstruction of an existing deficient bridge to the design standard and specifications required by these rules. HWY 40 G.

9. **Road systems.**

a. **Trunk highway.** The system of routes established by law, the location of which has been established by the commissioner under the jurisdiction of the State of Minnesota.

b. **State-aid.** The system of roads and streets established and designated by the commissioner under the jurisdiction of a county or urban municipality.

c. **Other roads or streets.** Those local roads and streets under the jurisdiction of the counties, municipalities and townships.

10. **"Off-system" bridge replacement program.** A program using federal monies to replace deficient bridges not on any road system supported by federal aid.

D. **Application by agency.**

1. **Counties.**

a. The county board in cooperation with other local units of government within the county, other than urban municipalities, shall determine a proposed program for the construction and/or reconstruction of key bridges within the county.

b. The county board by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges within the county and request funding from available bridge funding programs.

2. **Urban municipalities.** The City Council by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges within the municipality and request funding from available bridge funding programming.

3. **State highway system.** The commissioner shall

establish the bridge construction and/or reconstruction program for the trunk highway system.

E. **Review by Regional Development Council or Metropolitan Council.**

1. The commissioner shall submit the application of the agencies to the proper Regional Development Commission or Metropolitan Council, as the case may be, for review of consistency with long term comprehensive development plans and guides for which the agencies are responsible.

2. The Regional Development Commission or the Metropolitan Council, whichever is appropriate, shall review the availability of other financing capabilities of the agency.

F. **Establishment of priority.**

1. The commissioner shall establish a statewide priority of bridge construction and/or reconstruction based on criteria as established in Laws of 1976, ch. 339.

2. Upon establishment of priorities, the commissioner shall notify the local units of government as to priority rank and funding availability for those bridges submitted for approval.

3. The local unit of government shall by resolution agree to the terms and conditions as specified in the notification by the commissioner consistent with Laws of 1976, ch. 339.

G. **Design standards and specifications.**

1. **Trunk highway.** The approved standards currently in effect for design and construction of bridges as identified in the Department of Transportation Bridge Design Manual.

2. **State-aid system.** The approved standards currently in effect for design and construction of bridges as identified in the State-Aid Manual.

3. **Other road or street systems.** The approved standards currently in effect for design and construction of bridges as identified in the "Off-System" Bridge Program.

4. **Specifications for bridge construction.** Construction shall be in accordance with the current construction specifications as identified in the Minnesota Standard Specifications for Highway Construction.

5. **Specifications for bridge design.** Design shall be in accordance with the current Specifications for Highway Bridges of the American Association of State Highway and Transportation Officials and the Minnesota Department of Transportation.

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DEPARTMENT OF PUBLIC WELFARE

COMMUNITY SERVICES BUREAU

Proposed Rule Governing Services to Mentally Retarded Individuals

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1974), as amended, regarding the above-entitled matter, in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Friday, October 1, 1976, commencing at 9:00 A.M., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning the proposed Rule 185, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing. This hearing is authorized by Minn. Stat. chs. 15, 246, 253A, 256, and 257.

Minnesota Department of Public Welfare Rule 185 is designed to insure the availability and delivery of services to mentally retarded citizens residing in the state. As such, the rule follows recent state law and federal regulatory provisions and judicial decisions which require the provision of individualized services and developmental opportunities that approximate as nearly as possible, normal home-like, community patterns and conditions of living and learning to any person who is mentally retarded. This rule identifies the authority and responsibilities of the various area mental health boards, county welfare and human service boards throughout the state in planning, coordination, assistance and provision of direct services for the mentally retarded.

Under Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics

Commission as a lobbyist within five (5) days of the commencement of such activity by the individual (The State Ethics Commission is located at Room 410, State Office Building, St. Paul, Minnesota 55155.)

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to Peter Erickson, Office of Hearing Examiner, 1745 University Avenue, St. Paul, Minnesota 55104, within 20 days following conclusion of the hearing. If the person submitting a written document cannot be present to read his statement at the hearing, the document will be entered into the record. For those persons wishing to submit written statements or exhibits, it is requested that at least three (3) copies of each statement, exhibit or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations sharing common viewpoints or interests in these proceedings join together where possible and present a single statement on behalf of such interests. All statements submitted should clearly identify the rule number to which the statement pertains.

Copies of the rule are now available and a free copy may be obtained by writing: Ardo Wrobel, Minnesota Department of Public Welfare, Mental Retardation Division, First Floor, Centennial Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Vera J. Likins
Commissioner

Rule as Proposed

DPW 185 Services to individuals who are mentally retarded.

A. Introduction.

1. This rule governs the planning and provision of services to individuals who are mentally retarded.

2. Definitions:

a. Community Mental Health Board. Local 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 outside the home for purposes of acquiring self-care skills and remedial, developmental or social services.

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.

d. Mental retardation. Significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior, such as to require supervision and protection for the individual with this disability.

(1.) Intellectual functioning is assessed by one or more of the professionally recognized standardized tests developed for that purpose; significantly subaverage refers to performance which is two or more standard deviations from the mean or average of the tests. Mental retardation under this section includes manifestation during the developmental period (to 18 years of age) and brain injuries occurring in adult life.

(2.) Adaptive behavior is the effectiveness or degree with which the individual meets the standards of personal independence and social responsibilities expected of his/her age and cultural group.

e. Residential facility. Out-of-home placement for purposes of acquiring self-care skills and remedial, developmental or social services.

f. State agency. Minnesota Department of Public Welfare.

B. Standards for provision of services.

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

a. Providing the person who is mentally retarded with an existence as close to normal as possible. 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. Providing the person who is mentally retarded with an individualized program plan which is designed to acquire new and progressively difficult skills. Such plan must take into consideration the presentation of learning experiences appropriate to their adaptive behavior levels, their physical condition and degenerative status.

c. An individualized program plan for the mentally retarded person must be based on a compre-

hensive assessment of needs, and periodic evaluation to determine appropriateness and effectiveness.

d. Placement of a mentally retarded person to implement his/her program plan must be made in a manner which least restricts his/her personal freedom, but also carries out the goals and objectives. This means:

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

(2.) Providing placement in a community-based residential facility if the mentally retarded person cannot remain at home, and when the facility can provide needed services.

(3.) Providing placement in a state hospital when the mentally retarded person cannot be served at home or in the community.

C. Responsibilities of the local social service agency.

1. Diagnosis of mental retardation.

a. The local social service agency shall coordinate the diagnostic process, utilizing professional assistance, as needed, to secure diagnostic information.

b. The local social service agency shall make final determination regarding the existence of mental retardation in the individual client.

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

(1.) Family history.

(2.) Medical, prenatal, and birth history, including sight, hearing, seizures, etc.

(3.) Early developmental history.

(4.) Comprehensive psychological evaluations.

(5.) School reports indicating behaviors, as well as functional levels.

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

(7.) Vocational evaluation reports.

(8.) Observations and interviews about family and the environment by the local social services agency.

(9.) Functional level.

d. Rediagnosis shall be made yearly, with new information secured, as needed, by the local social

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service agency, in order to determine whether mental retardation continues to exist.

2. Assessment of client needs and development of 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.

b. The local social service agency shall be responsible for the development of an individual service plan.

(1.) Services to be provided shall be specifically tailored to meet the client's needs.

(2.) The Minnesota Developmental Programming System shall be used to provide a standardized behavioral assessment and service plan.

c. The local social service agency shall also be responsible for:

(1.) Implementation of the plan.

(2.) Ensuring the delivery of services as determined by the plan.

(3.) Evaluation, with appropriate individuals, of the client's progress.

(4.) Payment for services, when the individual or parent(s) of a child under 18 years of age is unable to pay.

3. Placement in a day or residential facility.

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

(1.) 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. Acceptance shall constitute agreement that the facility or state hospital can carry out the goals and objectives of the local social service agency.

(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 individualized program plan based on the social service agency's individual service plan. The plan to meet the individual's needs shall be approved by the local social service agency for implementation by facility staff.

(4.) Local social service agency shall only place persons who are diagnosed, or in the process of being diagnosed, as mentally retarded in a residential facility licensed under DPW 34.

D. Responsibility of the community mental health board.

1. The community mental health board shall ensure participation of local social service agencies, other service providers, and advocacy organizations in the planning and coordination of service delivery.

2. The board shall develop a service delivery plan for the area served on a biennial basis.

a. 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.

b. The mental health board shall provide or arrange for services needed as specified in the service delivery plan.

3. The board shall provide diagnostic evaluation for mentally retarded as requested by the local social service agencies.

E. Service categories.

1. These service categories constitute the range of direct and indirect services needed for service delivery in an identified geographic 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. The community mental health board shall identify the service categories available in and outside of the geographical area for its mental retardation population.

b. The community mental health board shall identify, in priority order, services that are not available to its mental retardation population.

c. The community mental health board shall take the lead in the development of services not available through service providers, public and private agencies, and with educational and judicial agencies.

d. These service categories also constitute the range of services that shall be made available to the local social service agencies, or provided by the local social service agencies, for utilization in diagnosing, assessing needs, service planning, placement and evaluation of results for individual clients who are mentally retarded.

2. Service categories of the service delivery system.

a. Activity programs 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 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. **Basic developmental services:** Activities emphasizing maturation and supplementing the services provided by parent(s) or parent surrogates. They are comprehensive and coordinated sets of developmental-learning activities usually conducted 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 and upon the acquisition of skills in self-care. This service should continue to a level of individual achievement and in some instances be continued on a sustaining basis for those who would otherwise suffer loss of functional level.

c. **Case management (service management):** An expert person who provides coordination of all the case activities on behalf of the client. The case manager (service 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 an individual, typically not a volunteer, who has a limited but assigned number of clients.

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

e. **Diagnostic services:** Coordinated services, including, but not limited to, psychological services, social services, medical and other services necessary to identify the presence of a disability, its causes and its complications. Diagnostic services are directed toward the root causes or poor adaptive functioning and to the alleviation of the disability, rather than to its effects and the services dealing with the effects. Diagnosis is

to be reinvoled whenever necessary in the life of the mentally retarded person and is to be an ongoing process.

f. **Domiciliary care:** Out-of-home living quarters, supervision and personal care to persons needing 24-hour supervision. Domiciliary care services differ from special living arrangements by its higher degree of supervision and the greater amount of personal care needed.

g. **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 or 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 objectives which are commensurate with the retarded persons interests, capabilities and limitations; and to devise an individualized program plan of action. It is to be followed at whatever intervals are needed by periodic reassessments; evaluation services are to be invoked 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.

h. **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 home.

i. **Follow along:** A monitoring relationship on a life-long basis with retarded persons and their families, if they desire. 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.

j. **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.

k. **Client information and referral service:** Public information about services and procedures in ob-

KEY: New rules and both proposed and adopted additions to existing rules are printed in boldface. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

taining them. This service may provide referral activity directly or may inform an inquirer. This kind of information and referral service may be on a face-to-face basis, or it may be available by telephone.

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. Home support services: Those services which enable the family as a unit to meet the family-related needs of the mentally retarded person. Homemaker services, counseling and other services provided to the retarded person or other members of the family are appropriate.

n. Protective services: Social, legal and other appropriate services which assist individuals who are unable to manage their own resources 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 parental 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 clear need is demonstrated; for example, financial conservatorship is limited to financial supervision and leaves other rights to self-determination.

o. Recreation services: Planned and supervised activities designed to help meet specified individual needs in self-expression, social interaction, 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 coordination: Responsibility within a given community for the provision of the full range of services or for any one of the 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 may be provided in connection with a multi-service area or regional system of authority. Information and referral services may 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 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 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. Intervention may include treatment, such as surgical procedures, dietary controls, chemotherapy, physical therapy, speech behavior, or behavior modification directed toward basic personal goals, dentistry, medical treatments, as indicated by the needs of the individual being served. Lifelong 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; enhance emotional, personal, and social development; to provide experiences conducive to the acquisition of positive self-concepts and desire to learn; and to provide experience basic to future productive activity. Emphasis is upon those skills needed to function as a member of society. This service is not restricted to any particular age and can be offered at any appropriate time in the life of the individual who is mentally retarded.

v. Transportation services: Necessary travel and related costs in connection with transporting retarded persons to and from places in which they receive ser-

vices. Transportation also includes taking services to the homebound, delivery of raw materials, and finished products from homebound industries when needed. The use of public transportation is included.

w. Vocational evaluation: Assessment of worker characteristics, through the use of real 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 experiential setting.

x. Work activity: Includes a productive element. It is for those whose productivity is negligible 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 feelings of self-worth through work and earn a 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 only be provided 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 less than one-half the standard minimum.

y. 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.

z. Community services: Mentally retarded people 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.

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Official Notices

ENVIRONMENTAL QUALITY COUNCIL

EQC MONITOR

Notice of Hearing

Annual Hearing

Notice is hereby given that a public hearing will be held in the matter of the annual hearing as required by the Power Plant Siting Act, pursuant to Minn. Stat. § 116C.58 (1974), commencing in St. Paul, Minnesota, September 11, 1976 at 10:00 a.m., State Office Building Auditorium, Room 83. All persons, representatives and organizations will have the opportunity to be heard by submitting oral or written data, statements, comments or arguments or by presenting witnesses. All testimony will be sworn and questions on the testimony will be permitted.

In particular, testimony will be accepted on the adequacy of the High Voltage Transmission Line Corridor and route designation process. Other testimony will be accepted on the Power Plant Siting regulations, Minn. Reg. MEQC 71, and any other aspects of the Council's activities regarding power plant siting and transmission line routing.

Copies of the 1973 Power Plant Siting Act and the rules and regulations are available at MEQC designated distribution points for each region in Minnesota; at the Environmental Quality Council Office in St. Paul, 100 Capitol Square, 550 Cedar Street, and at libraries of all universities and colleges in Minnesota. Applications from utilities are available at MEQC designated distribution points.

Under Minn. Stat. § 10A-01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

For further information concerning this hearing, please contact Power Plant Siting Staff (212) 296-2399.

(End of EQC Monitor)

DEPARTMENT OF AGRICULTURE

Proposed Rules Governing Grading Procedures for Milk

Notice of Intention to Solicit Outside Opinion

Notice is hereby given that the Minnesota Department of Agriculture has begun consideration of proposed rules governing the Grading Procedures of Milk for Manufacturing. In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

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

statements of information and comment may be addressed to:

Mr. Harold Johnson
Minnesota Department of Agriculture
530 State Office Building
Saint Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-3674, and in person at the above address.

All statements of information and comment must be received by September 30, 1976. Any written material received by the Department shall become part of the hearing record.

The proposed rules, if adopted, would establish rules revising standards for milk quality testing, milk sediment testing, and new screening testing for abnormal milk, so as to be in uniformity with USDA regulations.

Mr. Harold Johnson, Supervisor
Manufacturing Milk Program

DEPARTMENT OF AGRICULTURE

Proposed Rules Governing the Management and Use of Pesticides

Notice of Intention to Solicit Outside Opinion

Notice is hereby given that the Minnesota Department of Agriculture has begun consideration of proposed rules governing The Management and Use of Pesticides. In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

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

Mr. Gleason Diser
Minnesota Department of Agriculture
604 State Office Building
Saint Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-6121, and in person at the above address.

All statements of information and comment must be received by October 15, 1976. Any written material received by the Department shall become part of the hearing record.

The proposed rules, if adopted, would establish rules for certification and licensing of pesticide applicators, reports and records required of pesticide dealers and applicators, permissible methods of pesticide applications, registration of pesticides for sale and for special local needs, experimental pesticide use permits, and enforcement.

Mr. Gleason Diser, Director
Agronomy Services Division

DEPARTMENT OF COMMERCE

BANKING DIVISION

Maximum Lawful Rate of Interest for Mortgages for the Month of September, 1976

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to

the Conventional Home Loan Assistance and Protection Act, Laws of 1976, ch. 300, hereby determines the maximum lawful rate of interest for home mortgages for the month of September 1976 is Eight and Three-Quarters (8.75) percent.

Robert A. Mampel
Commissioner of Banks

PUBLIC SERVICE COMMISSION

UTILITIES DIVISION

Differences in Natural Gas Rates

Notice of Intention to Solicit Information

Notice is hereby given that the Minnesota Public Service Commission (the "Commission") is seeking information and opinions from sources outside the Commission on the subject of wholesale price differentials between domestic and Canadian natural gas which are passed through to retail natural gas customers. As a result of the wholesale price differentials, some customers of a natural gas company may pay higher or lower prices for their gas than do other customers depending upon whether the gas they use is supplied by Canadian or domestic wholesale companies. The Commission is investigating the feasibility and legality of establishing an average price for all customers of each retail natural gas company. If an average retail pricing structure was established, a customer's rate would be adjusted upward if his gas is supplied by domestic sources, or downward if his gas is supplied from Canadian sources. The Commission requests information and comments concerning this subject. Interested persons or groups may submit written statements to: Mr. Robert Carlson, Director, Utilities Division, Minnesota Department of Public Service, Seventh Floor, American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101. Oral statements will be received at public hearings to be held by the Commission at a time and place to be specified in the future. Any person desiring to be informed of the time and place of the public hearings, or desiring future information on this subject should call (612) 296-7126.

Please take notice that no rule has been proposed by the Commission at this time. If, after the Commission's investigation, it determines that a rule on this subject should be proposed, further notice of the rule and of the hearings to be held on the rule will be given as required by law, including notice in the State Register.

All statements of information and comments which are received by the Commission shall become part of the record of the hearing in the event a rule governing this subject is proposed.

**MINNESOTA STATE
RETIREMENT SYSTEM**

**Meeting to Consider Proposals for
Changes to Retirement Laws**

The Board of Directors, Minnesota State Retirement System, will hold a special meeting on Friday, September 17, 1976, at 9:00 A.M. in the office of the System, 529 Jackson Street, St. Paul, Minnesota, to consider proposals for changes to the retirement laws and any other matters which may properly come before the board.

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House of Representatives
Attn: Edward Burdick, Chief Clerk
Room 211 Capitol
St. Paul, Minnesota 55155