

PROCEDURES MANUAL
AND
STYLE GUIDE

Department of Administration
Office of the State Register

32272

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE STATE REGISTER

Procedures Manual and Style Guide

I. Procedures of the Office of the State Register

The Commissioner of Administration is authorized by Minn. Stat. § 15.051, subs. 1 and 3, to determine the form and procedures by which material must be submitted for publication in the State Register. The forms, procedures and other requirements stated in this manual are official policies of the Department of Administration regarding submittal of material for publication in the State Register.

A. Liaison Officers.

1. Appointment. Any agency which publishes material in the State Register shall appoint a State Register Liaison Officer and Alternate Liaison Officer whose names and telephone numbers are on file with the Office of the State Register. Documents shall be submitted for publication only by duly appointed Liaison Officers, Alternates, or, in emergencies, by the heads of submitting agencies. The State Register editor shall be notified in writing of any change of Liaison Officers which occurs within an agency.

2. Responsibilities.

a. Review of documents. Ensure that all State Register submission requirements have been met; check for completeness, accuracy and readability, proper outline format and citations, and number of copies.

b. Act as liaison for inquiries of the State Register staff to

departmental personnel.

c. Review of proposed rules.

(1) Ensure that the Notice of Hearing on proposed rules is submitted along with the text of the rule or amendment. The full text of a new rule must be printed. In the case of an amendment, the agency must print that portion of the existing rule which it is proposing to amend. It is advisable to print sufficient surrounding text to provide adequate notice of the proposed action.

(2) Ensure that all documents and forms are submitted for publication within the timetable set forth in this manual. Minnesota Statutes require that the Notice of Hearing on proposed rules be published at least 30 days before the date of the hearing. Counting the day after publication as number one, the date of hearing must be number 30 or a higher number.

(3) Ensure that the Notice of Hearing contains all the information required by the rules of the Office of Hearing Examiners.

d. Review of adopted rules. Ensure that the document submitted for publication has been approved by the Attorney General and filed with the Secretary of State. These actions should be substantiated by submission of the copy of the document signed by the Attorney General, or by a memo from the Liaison Officer stating that the document has been approved and filed.

e. Review of State Contract notices (Notice of Availability of Contract and/or Notice of Request for Proposals). Ensure that the notice includes the information required by the Office of Contract Management,

Department of Administration, as stated in this manual (p. 6).

f. Review of the SR 0000-01 form (formerly the OSR 100 form), hereinafter referred to as the SR billing form. This form must be properly executed, signed by the Liaison Officer or Alternate Liaison Officer, and must accompany the document being submitted for publication.

B. Document preparation.

1. Documents submitted must be typed, double-spaced, on one side only of 8-1/2" x 11" bond or bond-weight paper. Copies must be clear and readable. Single-spaced material and drawings may be submitted as camera-ready copy only if they are originals or are original-quality copies.

2. Documents must be submitted in duplicate. A third copy should be retained by the Liaison Officer.

3. Document titles must appear with only the principal words capitalized.

a. The agency title and division title must appear in the upper left-hand corner of the first page of the document. Example:

Department of Economic Security
Vocational Rehabilitation Division

b. A suitable short title which explains the nature and content of the document must appear two spaces below the division title. Example:

Department of Economic Security
Vocational Rehabilitation Division
Proposed Rules Governing Services to Persons with Severe Disabilities through
Long-term Sheltered Workshops and Work Activity Programs

4. Additional sub-titles are sometimes necessary. For example, the words "Rule as Proposed" or "Amendments as Proposed" must appear before the beginning of the text of proposed rules or amendments.

5. Capitalize only the first word of rule titles. Example:

8 MCAR § 4.0007 Standards of service.

6. Do not underline headings or rule language for emphasis. Underlining is reserved to indicate additions to proposed and adopted rules.

7. Do not type any words all in capital letters, except in the case of a direct quote from another source.

C. SR billing form. This form is the official billing form of the Office of the State Register. It must include the following information:

1. agency's name and address;
2. agency's department/division and sequence numbers;
3. type of request; i.e., "Request for Publication," "Request for Overrun," or "Request for Single Copy." When documents submitted together are to be charged to the same department/division and sequence number, one SR billing form shall suffice. (See example in Appendix, p. (xv).)

D. Submission deadlines. Each issue of the State Register includes a 4-week calendar of submission deadlines. Material which is submitted late, incorrectly submitted, or which contains errors will be returned to the submitting agency. No extensions of deadlines will be granted in the case of rules or proposed rules.

E. Material which must be published. Agencies are required by statute

to publish certain information in the State Register. The following list (subject to revision as necessary) includes various kinds of information which must be published.

1. Notice of Intent to Solicit Outside Information.

a. When an agency seeks to obtain data or opinions from outside sources before promulgating new rules or proposing amendment or repeal of existing rules, it must first publish notice of its intent to do so.

b. Submission deadline: one week before desired publication date.

c. See example in Appendix, p. (i).

2. Notice of Hearing on proposed rules.

a. A Notice of Hearing must be published at least 30 calendar days before the date set for the public hearing. (See p. 2 of this manual for explanation of 30-day requirement.)

b. The notice must include the date, time and place of the hearing, the name of the Hearing Examiner assigned by the Office of Hearing Examiners, and other pertinent information required by that office in 9 MCAR § 2.102 C.

c. The notice must be accompanied by and published at the same time as the text of the proposed rules or amendments.

d. Submission deadline: two weeks before the desired publication date.

e. See example in Appendix, p. (iii).

3. State Contract notices (Notice of Availability of Contract or Notice of Request for Proposals).

a. Procedures of the Department of Administration, Office of Contract Management, require that notice of the availability of contracts or requests for proposals for consultant services or professional and technical services with an estimated cost of over \$10,000 be published in the State Register.

b. State Contract notices must include:

- (1) agency name and address;
- (2) name and telephone number of agency contact person;
- (3) description of the project and tasks;
- (4) estimated cost (may be omitted if approved by Office of Contract Management);
- (5) final submission date for proposals.

c. Submission deadline: one week before the desired publication date.

d. See example in Appendix, pp. (viii) - (ix).

4. Proposed rules (permanent).

a. When an agency promulgates new rules or proposes the amendment or repeal of existing rules, it must publish a full text of the rules or amendments at least 30 days before the date set for the public hearing.

b. Additions. Language proposed as an addition to an existing rule is printed and underlined. Example:

"9 MCAR § 2.102 Notice." may be changed to "9 MCAR § 2.102 Notice of Hearing."

c. Deletions. Language proposed for deletion from an existing rule is printed and struck out. Example:

"9 MCAR § 2.102 Notice of Hearing." may be changed to "9 MCAR § 2.102 Notice ~~of Hearing.~~"

d. Additions and deletions may appear in the same sentence.

Example:

"9 MCAR § 2.102 Notice of Hearing on proposed rules." may be changed to "9 MCAR § ~~2.102~~ 2.002 Notice of Hearing ~~on proposed rules.~~"

e. New rules. If all of the rules proposed and published with the hearing notice are entirely new, it is not necessary to underline the rule language. In this case the words "Rules as Proposed (all new material)" must precede the text of the rules.

f. Repeal. When repeal of a rule is proposed, the entire rule must be printed and struck out.

g. If the only amendment proposed is the change of a rule number (from an agency prefix/number to an MCAR number, or from one MCAR number to another) it is not necessary to print the language of the rule. The agency may merely indicate that it is proposing to renumber the rule. Example:

"DPW 44 Renumber as 14 MCAR § 2.044."

If the amendment being proposed is to move a set of rules from one part of the numbering system to another, the example would be:

"14 MCAR § 2.044 A. Reletter as 14 MCAR § 2.044 B." Or,

"14 MCAR § 2.044 B. through F. Reletter as 14 MCAR § 2.045-2.049."

h. Submission deadline: two weeks before desired publication date.

i. See example in Appendix, pp. (iii) - (vii).

5. Proposed rules (temporary).

a. A Request for Public Comment must be published along with the full text of the proposed temporary rules, giving the public at least 20 days during which to submit comment.

b. The same format used to show deletions and additions in proposed permanent rules is used for proposed temporary rules.

c. Submission deadline: 2 weeks before the desired publication date.

d. See example in Appendix, p. (x).

6. Adopted rules (permanent).

a. An adopted rule is not effective until 5 working days after its publication in the State Register.

b. Before an adopted rule may be published, it must be approved by the Attorney General and filed with the Secretary of State.

c. The agency may publish the entire existing rule or set of rules or may choose to publish only those subdivisions which have been amended. In either case, all changes since publication of the proposed version must be shown by strike-outs and/or underlining, and a citation to the proposed version must be given. Example:

"The rules published and proposed at State Register, Volume 3, Number 18, pp. 916-926, November 5, 1978 (3 S.R. 916) are now adopted, with the following amendments."

If the rules are adopted without change since the proposed stage, the same statement is used, ending with "are now adopted."

d. Additions. Language which was not included in the published proposed version, but was added prior to adoption, must be underlined. Example:

"9 MCAR § 2.102 Notice." from the proposed version could become "9 MCAR § 2.102 Notice of Hearing." in the adopted version.

e. Deletions. Language which was deleted after publication of the proposed version would be printed and struck out at the adopted stage. Example:

"9 MCAR § 2.102 Notice of Hearing." from the proposed version could become "9 MCAR § 2.102 Notice ~~of Hearing~~." at the adopted stage.

Also, if language was added (underlined) at the proposed stage, but the addition was not adopted, it would be printed and struck out at the adopted stage. Example:

"9 MCAR § 2.102 Notice of Hearing." from the proposed version would become "9 MCAR § 2.102 Notice ~~of Hearing~~." at the adopted stage.

f. Severability. Two exceptions to e. above are made in the case of proposed rules which are not subsequently adopted.

(1) Withdrawal. If the agency proposes a new rule or amendment and then chooses to withdraw it, it is not necessary to reprint the entire rule or amendment and strike it out. A statement that the proposed action has been withdrawn, along with a citation to the previous publication in the State Register, shall suffice.

(2) Further consideration. If the agency proposes a new

rule or amendment and then chooses to postpone its adoption pending further consideration, a statement to this effect, along with a citation to its previous publication, shall suffice.

g. Submission deadline: two weeks before the desired publication date.

h. See example in Appendix, p. (xi).

7. Adopted rules (temporary).

a. After a temporary rule has been published as proposed, the agency must wait at least 20 days before submitting it to the Attorney General, along with modifications. If, after five days, the Attorney General fails to approve or disapprove the rule, it is deemed adopted. Notice of the Attorney General's decision must be published as soon as practicable. If the rule is not amended after its publication as proposed, a statement of adoption giving a citation to its proposed form and the date of its adoption is sufficient notice. If the rule is amended after publication as proposed, but prior to adoption, those portions containing amendments must be published as soon as practicable, along with a citation to the proposed form, and the amendments shown by strike-outs and/or underlining.

b. Submission deadline: two weeks before the desired publication date.

c. See example in Appendix, p. (xiii).

8. Open Appointments List. Minn. Stat. § 15.0597, subd. 4, requires the Office of the Secretary of State to gather and compile information every fifteen days regarding all vacancies on multi-member state agency/boards which are appointive in nature, including vacancies which will occur within 45 days.

This information is published in the next available issue of the State Register.
Submission deadline: one week before the desired publication date.

9. Executive Orders. All Executive Orders of the Governor (except Emergency Executive Orders) must be filed with the Secretary of State and published in the State Register, and are legally effective 15 calendar days after publication. Emergency Executive Orders are effective immediately and are filed with the Secretary of State and published in the State Register as soon as possible. Submission deadline: two weeks prior to desired publication date.

10. There are additional kinds of information not listed here which must be printed pursuant to statutory and agency rule requirements. It is the agencies' responsibility to ensure that these requirements are met.

F. Material which may be printed in the State Register. Agencies may print items of public interest in the Official Notices section. Instructions for submitting material that is not required are the same as for required material. All notices except for Notice of Hearings on proposed rules have a one-week submission deadline.

G. Synopses of decisions of the Minnesota Supreme Court are published in the State Register as they are made available by the Court.

H. Grounds for delaying publication of material submitted. The editor shall reject and/or delay publication of material submitted for publication on the following grounds:

1. The material is not submitted in duplicate.

2. The material is not prepared according to State Register format as delineated in this manual.

3. The material is not accompanied by an SR billing form signed by the agency Liaison Officer (or Alternate) whose name is on file with the Office of the State Register.

4. The agency does not have an appointed Liaison Officer.

5. The material is submitted after the two-week deadline for Executive Orders, adopted rules (including notice of adoption or extension of temporary rules), proposed rules and notices of hearing on proposed rules.

6. The material is submitted after the one-week deadline for official notices and State Contract notices.

7. Adopted temporary rules are not accompanied by a statement that the rules have been approved by the Attorney General (or that he failed to disapprove them), and notice of the date of adoption.

I. Editorial prerogative.

1. The editor shall have the right to request correction of spelling and obvious typographical errors, errors involving use of the MCAR outline format and errors in titles, and to request other nonsubstantive changes in proposed rules submitted for publication. Errors involving rule language shall be brought to the attention of the agency's Liaison Officer.

2. The editor shall have the right to request that the submitting agency assign MCAR numbers to all new proposed rules and recodify existing rules as they are proposed for amendment. If any agency is unsure of the MCAR numbers available for its use, the Liaison Officer may contact the MCAR

editor at the Office of the State Register. (See staff roster in the Appendix, p. (xii).)

3. The editor shall have the right to amend short titles used to identify documents.

II. Finding Aids

A. A cumulative list of MCAR Amendments and Additions was published in each issue of Volume 2. Beginning with Volume 3, State Register volumes are divided into four quarters: Issues 1-13, 14-26, 27-39, and 40-52. The MCAR Amendments and Additions list in each issue is cumulative for the quarter in which it is published; issues 13, 26, 39 and 52 are cumulative year-to-date.

B. A cumulative list of Executive Orders is published on a periodic basis.

C. A Calendar of Public Hearings on Proposed Agency Rules is published on a weekly basis for the following week, giving date, time, place, agency, rule matter, and Hearing Examiner's name.

D. A Finding Aids Annual is published yearly, containing a subject matter index and other relevant finding aids.

III. Style Guide

A. Capitalization.

1. The principal words of the agency (department) title and division title must be capitalized.

2. The principal words of rule chapter titles must be capitalized.

3. Only the first word of a rule section and/or subdivision title is capitalized.

4. Headings for agencies should begin "Department of....." or "Board of....." and division titles should begin ".....Division." The word "Minnesota" should not appear as part of the agency title unless the agency is so designated in the most recently published Legislative Manual for the State of Minnesota.

B. Punctuation.

There should be a colon after the chapter number, but no period after the chapter title. Example: "Chapter 13: Rules Governing Application Procedures"

2. Short titles of rule sections and subdivisions should end with a period. Example:

9 MCAR § 1.0202 Obligation to register.

A. Attendance at hearings.

C. Citations.

1. The following format is used for citing Minnesota Statutes:

a. Minn. Stat. ch. 15

- b. Minn. Stat. § 15.0412, subd. 1
- c. Minn. Stat. §§ 15.0412-15.0416
- d. Minn. Stat. §§ 15.0412, subd. 1; 15.0413; and 15.0414
- e. Laws of 1978
- f. Laws of 1978 ch. 30
- g. Laws of 1978, ch. 30, § 10
- h. Laws of 1978, ch. 30, § 10, subd. 1

D. Outline format. The only acceptable outline format for rules, both for publication in the State Register and in the MCAR (Minnesota Code of Agency Rules), is as follows:

- "A."
 - 1.
 - a.
 - (1)
 - (a)
 - (i)
 - (aa)
 - (bb)
 - (ii)
 - (b)
 - (2)
 - b.
 - 2.
- B."

There should be no "A." without a "B." and no "1." without a "2." etc.; if it is necessary to make further indentations beyond those shown above, the Liaison Officer should contact the State Register editor.

E. *Italics.* Do not underline a word to indicate that it is to be printed in italics, as underlining is restricted to use in indicating rule language additions. To call the editor's attention to an italicized word, the note "ital." may be inserted in the margin nearest the word to be italicized.

IV. Relationship of State Register to Minnesota Code of Agency Rules

A. Both the State Register and the Minnesota Code of Agency Rules (MCAR) are published by the Office of the State Register. The State Register contains the proposed and adopted rules and rule amendments of the state agencies, with deletions and additions clearly shown by use of strike-outs and underlining. The 15-volume MCAR contains only the final, complete version of adopted agency rules. After adopted rules are published in the State Register, the submitting agency is contacted by the MCAR editor regarding publication of the adopted rules in the MCAR as required by Minn. Stat. § 15.047.

B. Information regarding publication of adopted rules in the MCAR may be obtained by contacting the MCAR editor at the Office of the State Register. A complete list of this office's staff appears in the Appendix, p. (xiv).

C. How to read MCAR citations. There are fourteen Titles in the MCAR. Each Title represents a type of agency or category of responsibility. The number to the left of "MCAR" represents the Title. Each Title is divided into Parts. A Part represents an Agency. The number to the left of the decimal represents the Part. Each Agency (Part) is assigned a set of rule numbers. The number to the right of the decimal represents a rule number assigned to a particular Agency. Example:

In: 1 MCAR § 2.102,

1 MCAR = Title 1, Constitutional Offices

1 MCAR § 2 = Part 2, Office of the Secretary of State

1 MCAR § 2.102 = Section (rule) number 102 of the Office of
the Secretary of State

Each section (rule), as defined by number, is then subdivided as "A." through "Z." These major subdivisions are further divided into numbered and lettered paragraphs of the outline format described on page 16 of this manual.

Example:

1 MCAR § 2.102 A.

1 MCAR § 2.102 A.1.

1 MCAR § 2.102 A.1.a.

NOTE: Rule numbers should be recodified--from agency prefix/number system to MCAR numbering system--when the rules are proposed for amendment or, in the case of new rules, when they are first published as proposed rules.

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APPENDIX

(i)

EXAMPLE: NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION

(NOTE: This example of a properly prepared Notice of Intent to Solicit Outside Opinion is given only to show the format required by the Office of the State Register.)

Department of Public Service

Public Service Commission

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Relating
to Utilities Access to Customer Premises

Notice is hereby given that the Minnesota Public Service Commission is considering adoption of a rule which would regulate circumstances under which utility representatives may enter customer premises.

The proposed rule is authorized by Minn. Stat. § 216B.09 (1976), which allows the commission to establish reasonable standards, regulations, or practices to be observed and followed by public utilities with respect to the service which they furnish. The proposed rule would regulate the conditions under which utility representatives may enter customer premises under three circumstances:

1. without judicial or customer authority;
2. with judicial but without customer authority;
3. without judicial authority but with customer authority.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

Mr. Leo J. Ambrose

Secretary, Minnesota Public Service Commission

Seventh Floor, American Center Building

160 East Kellogg Boulevard

St. Paul, Minnesota 55101

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All statements of information and comment must be received by January 15, 1979. Any written material received by this date will become part of the record of any rules hearing held on this subject.

October 26, 1978

Leo J. Ambrose

Secretary

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EXAMPLE: NOTICE OF HEARING AND PROPOSED RULES
(PERMANENT, AMENDING AN EXISTING RULE)

(NOTE: This example of a properly prepared Notice of Hearing and Proposed Rules is given only to show the format required by the Office of the State Register.)

Department of Health

Environmental Health Division

Proposed Amendments to Rules Relating to Construction of Wells

Notice of Hearing

(NOTE: The format for a Notice of Hearing required by the Office of the Hearing Examiner is accepted by the Office of the State Register, as long as the department title, division title, and short headings as shown above are included with the material submitted. The body of the notice itself, as required by the Office of Hearing Examiners, is shown below.)

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in Room 115, Minnesota Department of Health Building, 717 Delaware Street S. E., Minneapolis, Minnesota on December 12, 1978 commencing at 12:30 p.m.

All interested or affected persons will have an opportunity to participate concerning the amendments to the rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George Beck, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8103, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be

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furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

If adopted, the amendments proposed by the Commissioner of Health would result in changes to the water well construction code (7 MCAR §§ 1.210-1.225) primarily in the following areas: definitions, information required for a variance, protection for observations wells, additional requirements for community wells, abandonment, isolation distances from existing wells, size of casing and drill hole, grouting, rock wells, dug or bored wells, suction lines and water sampling procedures. The authority of the commissioner to make such is contained in Minn. Stat. § 156A.05, subd. 2 (1976).

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S. E., Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Minnesota Department of Health and at the Office of Hearing Examiners at a minimal charge.

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

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the Attorney General.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Laws of 1978, ch. 463, § 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

October 15, 1978

Warren R. Lawson, M.D.

Commissioner of Health

Rules as Proposed

7 MCAR § 1.210 ~~MHD-210~~ Definitions and policies.

A. ~~(a)~~ For the purposes of these regulations promulgated pursuant to Minn. Stat. ch. 156A (1976) as amended, the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

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B. ~~(b)~~ The following terms apply primarily to the licensing regulations, 7 MCAR §§ 1.211-1.216 ~~MHD 211-216~~, but are also applicable to the Water Well Construction Code, 7 MCAR §§ 1.217-1.230 ~~MHD 217-230~~, when used therein.

1. ~~(1)~~ ~~"Board means the Minnesota Board of Health, or its authorized representative."~~ "Commissioner" means the Commissioner of Health or his or her authorized representative.

2. ~~(2)~~ "Council" means the Water Well Contractors Advisory Council created pursuant to the provisions of Minn. Stat. § 156A.06 (1976).

3. ~~(3)~~ "Act" means Minn. Stat. §§ 156A.01-156A.08 (1976), as amended, under which these rules are promulgated.

4. ~~(4)~~ "APA" means the Administrative Procedure Act, Minn. Stat. ch. 15 (1976).

5. ~~(5)~~ "Person" means any natural person, corporation, partnership, or other business association.

6. ~~(6)~~ "Applicant" means any person who applies for a water well contractor's license pursuant to the Act.

7. ~~(7)~~ "Application for examination" means the application submitted by an applicant from which the ~~board~~ commissioner determines whether the applicant is eligible to take the examination.

8. ~~(8)~~ "Application for licensure" means the application submitted by an applicant upon his successful completion of the examination, or at the end of each calendar year for licensure renewal.

9. ~~(9)~~ "Year of experience" means a year during which the applicant personally drilled five (5) water wells and was actively working in the trade for a period of 1,000 hours under the supervision of a licensed water well contractor. An applicant drilling 1,000 hours per year and completing fewer than 5 wells per year may qualify, if the experience is gained in constructing one or more large diameter wells which are more than 500 feet deep. An applicant who seeks to qualify under this provision shall have his license limited to construction of such deep and large diameter wells.

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a. ~~(aa)~~ Supervision of a drilling operation shall not be considered as an equivalent to personally drilling a well, ~~however, supervision may be considered by the Board as experience meeting the requirements of these regulations on a case-by-case basis depending upon:~~

~~(aa1) The number of well drilling operations supervised during a year,~~

~~(aa2) The percentage of time spent at the site of a drilling operation,~~

~~(aa3) The type of activity performed as part of the applicant's supervisory responsibilities, and~~

~~(aa4) Other factors as may be relevant to each particular case.~~

b. ~~(bb)~~ The experience must have been gained in Minnesota except that an applicant may provide the ~~Board~~ commissioner with information demonstrating that his experience was gained in an area with the same or similar geological and other well drilling conditions as in the applicant's proposed well drilling operations territory in Minnesota. Such experience may be considered as meeting the experience requirement of these regulations. Applicants from states having no standards or licensing programs, or standards less strict than those adopted pursuant to Chapter 156A shall have obtained at least one year of experience in Minnesota under the supervision of a licensed water well contractor, in addition to that which is required under 7 MCAR § 1.211.

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EXAMPLE: NOTICE OF REQUEST FOR PROPOSALS

(NOTE: This example of a Notice of Request for Proposals is given only to show the format required by the Office of the State Register.)

Department of Public Welfare
Chemical Dependency Programs Division

Notice of Request for Proposals for Chemical Dependency Training Services

The Chemical Dependency Programs Division, Mental Health Bureau, Department of Public Welfare, is seeking individuals or organizations with training facilities to provide statewide training in program management, supervision and fiscal accountability. These training services, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) Statement of Work. The formal RFP may be requested and inquiries should be directed to:

Cynthia D. Kunz
Chemical Dependency Programs Division
Department of Public Welfare
4th Floor, Centennial Office Bldg.
Saint Paul, Minnesota 55155

It is anticipated that the activities to accomplish this training will not exceed a total cost to the state of \$40,000. The deadline for the submission of completed proposals will be the close of the working day August 25, 1978.

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EXAMPLE: NOTICE OF AVAILABILITY OF CONTRACT

(NOTE: This example of a Notice of Availability of Contract is given only to show format required by the Office of the State Register.)

Department of Transportation

Administration Division

Notice of Availability of Contract for Graphic Specialist

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform as a graphic specialist in the development of a training course for the planning, location and design of safety rest areas.

The training course development will include the following:

1. Preparation of graphics materials and illustrations in the development of visual aids for the executive summary session.
2. Preparation of graphic illustrations, analysis diagrams, design details and renderings required for the preparation of a manual entitled "Planning, Location and Design of Safety Rest Areas."
3. Preparation of graphic materials required for the development of an instructor's guide, student work problems and development of visual aid materials.

The estimated fee range for this project is \$14,000 to \$16,000. Firms based in the State of Minnesota are to be given first consideration.

Firms desiring consideration should submit a resume of their office and work before August 15, 1978. This is not a request for proposals. Send your response to:

B. F. McCarthy

Consultant Services Engineer

Room 612B

Transportation Building

Saint Paul, Minnesota 55155

Telephone (612) 296-3051

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EXAMPLE: PROPOSED TEMPORARY RULES AND
REQUEST FOR PUBLIC COMMENT

(NOTE: This example of Proposed Temporary Rules and Request for Public Comment is given only to show the format required by the Office of the State Register.)

Department of Personnel

Proposed Temporary Rule Governing the Band Width Certification Program

Request for Public Comment

Notice is hereby given that the Department of Personnel has proposed the following temporary rule for the purpose of implementing the provisions of Laws of 1978, ch. 734, § 17, the band width certification program.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the State Register by writing to Julie Vikmanis, Manager of the Examining and Referral Division, Department of Personnel, 3rd Floor, Space Center Building, 444 Lafayette Road, Saint Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

July 24, 1978

Clarence Harris

Commissioner of Personnel

Temporary Rule as Proposed (all new material)

2 MCAR § 2.300 Conduct of band width certification experiment. Pursuant to Laws of 1978, ch. 734, § 17, the commissioner has authority to temporarily adopt band width certification procedures based on the reliability of selection processes in order to determine the appropriateness of permanently adopting such procedures for all certifications which would otherwise be made under the provisions of Minn. Stat. § 43.18.

EXAMPLE: ADOPTED RULES (PERMANENT, WITH AMENDMENTS)

(NOTE: This example of a properly prepared set of Adopted Rules, with Amendments, is given only to show the format required by the Office of the State Register.)

Board of Education

Instruction Division

Adopted Rules for Experimental Programs for Elementary and Middle Schools; and
Pre-school Health and Developmental Screening

The rules proposed and published at State Register, Volume 2, Number 21, pp. 1051-1055, November 28, 1978 (2 S.R. 1051) are adopted with the following amendments:

Rules as Adopted

Chapter One: Classification for State Aids, Minimum Requirements for Elementary and Secondary Schools

5 MCAR § 1.0010 C. If the evaluation at the end of the course or program is positive, the State Board of Education ~~may~~ shall authorize continuation of the program. When such continuation is granted, the State Board of Education shall stipulate the specific rules from which the program shall continue to be exempt.

Chapter Thirty-six: Pre-school Health and Developmental Screening

5 MCAR § 1.0720 C. Parent or parents included: a biological mother or father; an adoptive mother or father; a legally appointed guardian; the commissioner or such official, in the event that a child is a ward of the Commissioner of Public Welfare or other public official; or when the parent or guardian is unknown or cannot be found after reasonable efforts have been made then such agency or other person appointed pursuant to Minnesota statutes or court order.

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5 MCAR § 1.0722 A.7. Referral procedures to be utilized when a condition is identified in need of ~~diagnosis-or-treatment~~ further evaluation.

A.8. Procedures to be utilized to determine whether or not referral resources were ~~utilized.~~ used in accordance with 5 MCAR § 1.0724 F.

D. Exceptions to the ~~statutorily~~ required screening components ~~may~~ shall be made by the State Board upon submission to it of evidence that a local board is not able to supply such screening due to financial limitations.

5 MCAR § 1.0723 Staffing. Screening shall be performed by qualified personnel. In selecting personnel to implement the pre-school screening program, school districts shall give first priority to volunteers. Second priority shall be given to others possessing minimum qualifications who can provide services determined to be most cost effective. A person may perform one or more of the functions described in A. through F. of this rule provided appropriate qualifications are met.

A. Nurse.

1. ~~Who must be registered and currently licensed in the State of Minnesota.~~ A nurse currently licensed to practice professional nursing in the State of Minnesota shall be qualified to perform those pre-school screening functions permitted under the State Nurse Practice Act.

EXAMPLE: ADOPTED TEMPORARY RULES (WITH AMENDMENTS)

(NOTE: This example of Adopted Temporary Rules is given only to show the format required by the Office of the State Register.)

Department of Commerce

Insurance Division

Adopted Temporary Rules Governing Minimum Anticipated Loss Ratios

The proposed temporary rules (Ins 275-282) published at State Register, Volume 3, Number 21, p. 1078, November 27, 1978 (3 S.R. 1078) were adopted on December 27, 1978, approved by the Office of the Attorney General on January 31, 1979, and filed with the Office of the Secretary of State on February 3, 1979, with the following amendments:

Ins 277 Filing requirements.

A. Each new policy form and each rate revision filing applicable to previously approved policy forms shall include an actuarial certification that the benefits provided are reasonable in relation to the premium charged and shall clearly indicate the anticipated loss ratio.

B. The actuarial certification shall include:

1. A description of the basis on which the ratio was determined;
2. A description of the calculation of the anticipated loss ratio;
3. A description of gross premiums, including the specific formula and assumptions or actuarial method used in calculating gross premiums;
4. The source of expected claim costs;
5. Identification of morbidity and mortality tables or experience studies used, sufficient explanation for evaluation of their validity, including copies of such tables if they are not currently published.

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