

State

PAGES 1809-1820



STATE OF
MINNESOTA

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HIGHLIGHTS:

REVISOR OF STATUTES

School Counseling Programs

—Public Opinion Sought by Department of Education

MHFA Home Improvement Grant Program

—Notice from the Housing Finance Agency

Railroads Changes in Park Rapids and Foley

—Notice of Contested Case Hearings from Department of
Transportation

Compensation for Livestock Destroyed by Endangered Species

—Public Opinion Sought by Department of Agriculture

Maximum Interest Rate for Mortgages for July, 1977

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—from the Minnesota State Retirement System

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—Negative Declarations

VOLUME 1, NUMBER 50

JUNE 20, 1977

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Cite all material in the *State Register* by Volume number and page number.
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



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The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for second and additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630.

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Department of Administration

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List of MCAR Rules Affected*

List of rules within the Minnesota Code of
Agency Rules affected by documents published
in the State Register during the current
quarter beginning with Vol. 1, No. 40:

Department of Administration

MoH 103 1724

Department of Agriculture

Agr 165, 169 1477
Agr 1188, 1189, 1190 911, 1665

Cable Communications Board

MCCB 2, 20, 46-56, 61-62, 64-77, 80,
91, 99, 103, 111-113, 121, 134, 136,
166-168, 171, 201, 225 1633

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MHD 195, 198, 246-254 1749

Department of Labor and Industry

MOSHC 1 1560

Livestock Sanitary Board

LSB 41 1562
LSB 32 1731

Public Service Commission

PSC 3 1477

*New rules, both proposed and adopted, and which have never been
disseminated or published, are not included in the List of MCAR Rules
Affected. Rules which are listed as "uncodified" have been disseminated,
but have never been published in the MCAR.

OFFICIAL NOTICES

Department of Education

Notice of Intent to Solicit Outside Opinion on Rules Governing School Counseling Programs

The Department of Education is reviewing and will propose revisions to EDU 4B, EDU 23, EDU 31, and EDU 46 related to providing more effective guidance and counseling services in Minnesota public schools.

The Department invites interested persons or groups to provide information, comment, and advice on the subject, in writing or orally, to Dr. E. Raymond Peterson, Assistant Commissioner of Education, State Department of Education, 657 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101; or Reynold Erickson, Director of Pupil Personnel Services, 631 Capitol Square Building, St. Paul, Minnesota 55101.

All materials to be considered in the original draft should be submitted by June 27, 1977. Written statements will be made part of the public hearing record.

Housing Finance Agency

Application Period for Potential Administrators of the MHFA Home Improvement Grant Program

The Minnesota Housing Finance Agency, hereafter MHFA, hereby announces that it is accepting applications from nonprofit corporations and governmental entities desirous of being approved by MHFA for participation as Administering Entities in its Home Improvement Grant Program. The application period will end July 22, 1977.

Following the application period, MHFA will select its Administering Entities for purposes of the Home Improvement Grant Program from among those entities submitting applications. If approved, in its sole discretion by MHFA, each Administering Entity will enter into a funding contract with MHFA for the distribution of grant funds to eligible individuals in a specified service area.

Funds will be available to Administering Entities selected by MHFA for a one year period beginning August 31, 1977. A total of \$11,000,000 will be available for the entire state during this period, in accordance with legislative appropriations.

The Home Improvement Grant Program has the express purpose of providing, through approved Administering En-

tities, home improvement funds to low-income homeowners, as defined by MHFA. Such funds may be used for the correction of defects or deficiencies in structures, which affect directly the safety, habitability or energy consumption of the property to be improved.

Entities wishing to submit applications for the administration of grant funds must submit the necessary documents to MHFA not later than July 22, 1977.

Copies of the application forms, submission details and accompanying program materials may be obtained from MHFA, First Floor of the Hanover Building, 480 Cedar Street, St. Paul, Minnesota, 55101.

James F. Dlugosch
Executive Director

Department of Transportation

Contested Case Hearing on Reestablishment of Highway Railroad Grade Crossing in Foley, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 29, 1977 at 10:00 A.M., in the Benton County Court House Annex, Commissioner's Conference Room, Dewey and John Streets, Foley, Minnesota 56329.

The hearing will be held before Mr. Bernard Singer, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. Mr. Singer's office is located at 1745 University Avenue, St. Paul, Minnesota 55104, telephone: (612) 296-8110. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, telephone: (612) 296-3257.

The purpose of the hearing is that the City of Foley has applied to the Commissioner of Transportation to open the railroad crossing on 6th Avenue in the City of Foley. The petition recites among other matters that the only access across the Burlington Northern, Inc. trackage is potentially dangerous and that an additional crossing is needed.

OFFICIAL NOTICES

All parties are advised that if a party intends to appear at the hearing scheduled for June 29, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a party fail to appear at the hearing, the allegations made in the resolution may be taken as true.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner

Notice of Appearance

Date of Hearing: June 29, 1977

Name and Telephone Number of Hearing Examiner:

Bernard Singer
1745 University Avenue
Saint Paul, Minnesota 55104
296-8110

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Contested Case Hearing on Removal of Railway Depot in Park Rapids, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on June 28, 1977 at 10:00 A.M., in the Hubbard County Court House, Court Street, City of Park Rapids, Minnesota 56470.

The hearing will be held before Mr. Leonard A. Nelson, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. Mr. Nelson's office is located at 1745 University Avenue, St. Paul, Minnesota 55104, telephone: (612) 296-8119. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 and Minnesota Code of Agency Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, telephone: (612) 296-3257.

The purpose of the hearing is to ensure that under the provision of Minn. Stat. § 219.85 all parties and potential parties of interest are given an opportunity to be heard on, among other matters, the proposed discontinuance of agency service at Park Rapids, Minnesota.

The petition recites:

"1. Petitioner operates a line of railroad in Minnesota which traverses and serves, among others, localities from and between Park Rapids, Wadena, Long Prairie and Little Sauk. (Exhibit "A" to the Petition)

2. Petitioner maintains a depot building and a full-time base agent at Park Rapids to service rail patrons located in that city alone.

3. Petitioner maintains a Direct Service Agent headquartered at Wadena to serve the stations of Little Sauk, Long Prairie, Browerville, Clarissa, Eagle Bend, Bertha, Hewitt, Sebeka and Menagha.

4. Petitioner also maintains a freight depot and full-time base agent at Wadena to serve rail patrons located in that city alone.

OFFICIAL NOTICES

5. Petitioner here proposes to discontinue base agency service at Park Rapids, to close and remove the depot thereat, and to extend the territory and duties of the Direct Service Agency headquartered at Wadena to include, in addition to the localities heretofore mentioned, the City of Park Rapids.

6. The primary duties and territory of the base agent at Wadena will not be affected by this proposal.

7. There is presently no passenger service at Park Rapids and no known intention that such will commence in the foreseeable future.

8. The quality of rail service to affected patrons will not be diminished and full and adequate freight service to the public will be maintained in satisfaction of the public convenience and necessity."

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155, telephone: (612) 296-2874. They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner

Notice of Appearance

Date of Hearing: June 28, 1977

Name and Telephone Number of Hearing Examiner:

Leonard A. Nelson
1745 University Avenue
Saint Paul, Minnesota 55104
296-8119

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Department of Agriculture Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing Compensation for Livestock Destroyed by Endangered Species

Notice is hereby given that the Minnesota Department of Agriculture has begun consideration of proposed rules governing the compensation for livestock destroyed by endangered species. 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:

Randall D. Young
Minnesota Department of Agriculture
563 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) 296-7686, and in person at the above address.

All statements of information and comment must be received by July 15, 1977. Any written material received by the department shall become part of the hearing record.

The proposed rules, if adopted would provide methods of valuation of livestock destroyed, criteria for determination

OFFICIAL NOTICES

of the cause for livestock loss, notice requirements by the owner of destroyed livestock, and any other matters necessary to carry out the provisions in Laws of 1977, ch. 450, §§ 4 and 5.

Randall D. Young
Management Analyst

Department of Commerce Banking Division

Maximum Lawful Rate of Interest for Mortgages for the Month of July, 1977

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to Minn. Stat. § 47.20, the Conventional Home Loan Assistance and Protection Act, as amended by Laws of 1977, ch. 350, hereby determines that the maximum lawful rate of interest for home mortgages for the month of July, 1977, is nine and one-quarter (9.25) percent.

Robert A. Mampel
Commissioner of Banks

Ethical Practices Board

Notice of Meeting

Friday, July 8, 1977 — 1:30 P.M.
Room 57, State Office Building

PRELIMINARY AGENDA

1. Minutes (May 27, 1977)
2. Report of the Chairperson
3. Report of Legal Counsel
4. Report of the Wage and Salary Review Committee
5. Policy Question — Campaign Finance

6. Policy Question — Economic Interest
7. Conflict of Interest Requests
8. Determination of Rule-Making Boards/Commissions
 - a) State Humane Society
 - b) Metropolitan Sports Facilities Commission
9. Issue Development 1978 Session
10. Executive Director Report
 - a) Financial Report
 - b) Annual Leave Statement
11. Other Business
12. Executive Session Pursuant to Minn. Stat. § 10A.02, subd. 10

Department of Personnel

Notice of Intent to Solicit Outside Opinion Regarding Rules for the Conduct of Employee Training and Development

Notice is hereby given that the Department of Personnel is drafting rules to establish standards for employee training and development. The rules governing Training and Development are authorized by Minn. Stat. § 43.32, subd. 2, and a rider attached to the biennial appropriations for the Department of Personnel for the 1978-79 biennium.

The department invites all interested persons or groups to provide information or comment on the subject in writing to:

Mark L. Sundquist
Department of Personnel
Space Center Building — 3rd floor
444 Lafayette Road
St. Paul, Minnesota 55101

All statements of information and comment must be made July 1, 1977. Any written material received by the department on or before this date will become part of the hearing record.

Minnesota State Retirement System

Notice of Special Meeting

Notice is given that the Chairman of the Board of Directors, Minnesota State Retirement System, has called a spe-

cial meeting of the Board to be held at 9:00 A.M. on July 15, 1977 at the Holiday Inn in Brainerd, Minnesota.

The purpose of the meeting is to meet with certain employees of the Department of Natural Resources who are required to engage in fire fighting to discuss proposed legislation for an early retirement program similar to the existing Correctional Employee Retirement Plan and any other matter which may properly come before the Board.

EQC MONITOR

Minnesota Environmental Quality Council, 550 Cedar Street, St. Paul, MN, (612) 296-2723

Negative Declarations (No EIS)

The Environmental Assessment Worksheets (EAWs) listed below have been filed with the EQC. These EAWs determined that EISs are not needed on these projects because they are not major actions and do not have the potential for significant environmental effects. **The EQC will reconsider these findings only if objections are filed by July 20, 1977.** MEQC Rule 28B indicates the procedures for filing objections to a Negative Declaration.

Hideaway Resort

Cass County

Proposer: Earl Cypher

Responsible Agency: Cass County

Project Description: One hundred recreational campsites with central sewer and water, and construction of a marina.

Project Location: Leech Lake Township, Cass County; Sec. 9, R31W, Twp. 143N.

The EAW and supporting documentation are on file for public review from 8:00 a.m. to 4:30 p.m. at the Cass County Zoning Office, Courthouse, Walker, MN 56484, (218) 547-3300, ext. 243.

For further information on this EAW contact Mrs. Carol Newstrand, at the above address and telephone number.

Lake Terrace Estates

Hennepin County

Proposer: Swanco, Inc.

Responsible Agency: City of Brooklyn Park

Project Description: Single family residential subdivision of 55 lots with a density of 3.89 lots per acre.

Project Location: Brooklyn Park, Hennepin County; Section 22, Range 21W, Twp. 119N

The EAW and supporting documentation are on file for public review from 8:00 a.m. to 5:00 p.m. at Brooklyn Park City Hall, 5800 85th Avenue North, Brooklyn Park, MN 55443, (612) 425-4502.

For further information on this EAW contact Scott M. Clark at the above address and telephone number.

The Environmental Assessment listed below was ordered prior to the effective date of the revised Environmental Review Program rules and will be processed under the old Rules. **The EQC will make a determination on the need for an EIS on this project at its July 19, 1977 meeting.**

County Ditch No. 29

Pope County

Proposer: Pope County

Responsible Agency: Pope County

Project Description: Construction of a ditch approximately 5½ miles long, consisting of three branches to drain an area of 4.7 square miles.

Project Location: Sections 11, 12, 13, 14, 23, and 26, R40W, Twp. 124N, Pope County.

The Environmental Assessment and supporting documentation are on file for public review at the Office of the Pope County Auditor, Courthouse, Glenwood, MN. 56334, 612/634-3338.

For further information on this Environmental Assessment, contact Wm. T. Boyle, Pope County Auditor, at the above address and telephone number.

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NOTE: The above items are not subject to Minnesota sales tax. *State Register* binders, listed below, do require either sales tax or your tax exempt number.

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Telephone _____ [S.R. 3/14/77]



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Attn: Esther Tomljanovich
Room 3 Capitol
St. Paul, Minnesota 55155

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