

State



STATE OF
MINNESOTA

Register

HIGHLIGHTS:

RULES

Rules Governing the Operation of Pharmacies	1136
Rules Relating to Labor Standards Division	1139
Designated Ten-Ton Routes for 1978	1142

PROPOSED RULES

Employment of Youth under the Summer Youth Employment Act of 1977	1147
---	------

OFFICIAL NOTICES

Readability of Insurance Policies	1150
Health Screening and Experimental School Programs	1150
Vocational Education	1150
Decisions of the Department of Human Rights	1150
Removal of ICC Track No. 22 from New Ulm	1154

A detailed table of contents appears inside.

VOLUME 2, NUMBER 23

DECEMBER 12, 1977

Subscribers Hotline

Phone inquiries regarding subscriptions should be directed to Roy Schmidtke at (612) 296-8239.

How to Cite

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).



Individual copies of the *State Register* may be purchased at either the Office of the State Register or the Documents Section, for \$2.25.

Change of address notices, subscription or single-copy orders and undelivered copies should be sent to:

THE OFFICE OF THE STATE REGISTER
95 Sherburne, Suite 203
St. Paul, Minnesota 55103
296-8239

Materials published in the *State Register* are public records under Minn. Stat. § 15.17. The State of Minnesota has reserved a copyright to cross reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Wednesday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

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 additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630.

Copyright © 1977 State of Minnesota

Rudy Perpich
Governor

Richard L. Brubacher
Commissioner
Department of Administration

Jeanne Boutang
Editor

James Clancy, Susan Erickson, Paul Hoffman, Robin Panlener
Editorial Staff

Cindy Peterson
Secretarial Staff

CONTENTS

RULES

Board of Pharmacy

Amended Adopted Rules Governing Operation of Pharmacies 1136

Department of Labor and Industry

Adopted Rules Relating to Labor Standards Division 1139

Department of Transportation

Designated Ten-Ton Vehicle Routes 1142

PROPOSED RULES

Department of Economic Security

Proposed Rules Governing the Employment of Youth under the Summer Youth Employment Act of 1977 1147

OFFICIAL NOTICES

Department of Commerce

Insurance Division

Notice of Extension in Outside Opinion Response Time Regarding the Readability of Insurance Policies 1150

Department of Education

Division of Instruction

Notice of Hearing Regarding Health Screening and Experimental Programs 1150

Department of Education

Division of Vocational-Technical Education

Notice of Hearing Regarding Vocational Education 1150

Department of Human Rights

Notice of Hearings, Settlement Agreements and Pre-Determination Agreements from October 27, 1977 through November 25, 1977 ... 1150

Department of Transportation

Notice of Application and of Opportunity for Hearing Regarding Removal of ICC Track No. 22 from New Ulm 1154

MCAR AMENDMENTS AND ADDITIONS

List of amendments and additions to rules contained in the Minnesota Code of Agency Rules (MCAR) as published in the State Register, Volume 2.

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

SecStat 301, 502-599, 601, 604-699, 902, 903, 1102, 1101-1199, 2101-2106, 2108-2111, 2113, 2115 (proposed) 784

Part 3 State Treasurer

TRE 1-14 (proposed) 662

TITLE 2 ADMINISTRATION

Part 1 Administration Department

SBC 101-111, 201-204 (proposed) 837
 SBC 6001-6006 (adopted) 173
 SBC 6101-6107 (adopted) 806
 SBC 6201-6205 (proposed) 1095
 ASHRAE Standard 90-75 pp. 22, 28, 34 (proposed) 1096

Part 2 Personnel Department

Persl 4, 9, 11-12, 19, 21-22, 24, 28-29, 31, 39-40, 46-47, 61, 65-66, 68, 82, 85, 97, 106, 109, 129, 131, 133, 135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182, 203, 224-254 (proposed) 254
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 141, 144, 181, 203 (proposed temporary rules) 50
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules) 308
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules) 949
 Persl 275-285 (proposed) 92

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0563-1.0568 (proposed) 248
 3 MCAR §§ 1.0563-1.0568 (adopted) 948
 Emergency Rules 1, 2 (adopted emergency rules) 128
 3 MCAR §§ 1.0583-1.0585 (proposed) 694

Part 2 Livestock Sanitary Board

3 MCAR §§ 2.002, 2.005, 2.042 (proposed) 194
 3 MCAR §§ 2.002, 2.040 (proposed) 930
 3 MCAR § 2.041 (adopted) 915

TITLE 4 COMMERCE

Part 1 Commerce Department

BD 226, 227 (proposed) 177
 Ins 92, 92 (proposed) 183
 Ins 150 (proposed temporary rules) 1051
 Ins 180-188 (proposed) 178

Part 3 Public Service Department

PSC 2, 5 (adopted) 977
 PSC 120, 122-124, 128 (adopted) 1050
 PSC 390-395 (adopted) 834

Part 4 Cable Communications Board

MCCB 2, 20, 46-55, 61-62, 64-77, 80, 91, 99, 103, 111-113, 121, 134, 136, 166-168, 170-171, 201, 225 (adopted) 1028

Part 6 Accountancy Board

Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63, 70-74, 80-84, 110-112, 120-121, 140-141, 150-151, 220-429 (adopted) 145
 Accy 150, 160 (adopted) 1028

Part 7 Board of Architecture, Engineering, Land Survey and Landscape Architecture

AE&LS 9 (proposed) 678

Part 8 Barber Examiners Board

BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (proposed) 410

Part 9 Boxing Board

4 MCAR §§ 9.101-9.124, 9.201-9.215, 9.301-9.306, 9.401-9.411, 9.501-9.518, 9.601-9.611 (proposed) 916

Part 10 Cosmetology Board

MSBC 1-8, 20-29, 40-42, 60-66 (proposed) 35
 MSBC 1-8, 20-30, 40-42, 60-66 (adopted) 1029
 MSBC 64 (errata) 164

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR §§ 1.720-1.725 (proposed temporary rules) 251
 EDU 44, 764, 767-769 (adopted) 915
 EDU 741, 743 (adopted) 693
 5 MCAR §§ 1.0010, 1.0720-1.0725 (proposed) 1051
 5 MCAR §§ 1.0070-1.00791, 1.00801, 1.00811, 1.00821, 1.00831, 1.0084-1.0086, 1.0100-1.0109, 1.01101, 1.0111-1.0116 (proposed) 1056
 5 MCAR §§ 1.0720-1.0724 (adopted temporary) 753
 5 MCAR §§ 1.0764, 1.0767-1.0769 (adopted temporary) 305

Part 2 Higher Education Coordinating Board

5 MCAR §§ 2.0101-2.0108, 2.0301-2.0310, 2.0401-2.0407, 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (proposed) 697
 5 MCAR §§ 2.1001-2.1008 (proposed) 1096
 HECB 101-103, 105-108, 301-310, 401-407, 501-507, 601-607 (proposed) 697

Part 3 Teaching Board

5 MCAR §§ 3.001, 3.003-3.015, 3.020-3.031, 3.041, 3.050-3.054, 3.060-3.086, 3.102-3.103, 3.130 (proposed) 311
 5 MCAR §§ 3.002-3.003, 3.106, 3.108-3.109 (adopted) 915

Part 5 Arts Board

MSAB 1-8 (adopted) 31

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

NR 51, 56 (proposed) 441
 NR 2600, 2610, 2620, 2630, 2640 (adopted) 174
 NR 5020-5026 (proposed) 201
 NR 5300 (proposed) 287
 NR 10 (proposed) 777

Part 2 Energy Agency

EA 301-315 (adopted) 1038

Part 3 Environmental Quality Board

MEQC 72, 73, 76-80, 82 (adopted emergency) 501
 MEQC 71-82 (proposed) 508

Part 4 Pollution Control Agency

APC 4, 11 (errata) 135
 WPC 43 (proposed) 94
 HW 1-10 (proposed) 521
 SW 1-4, 6, 7 (proposed) 616
 WPC 38 (adopted) 833
 WPC 40 (proposed) 710

Part 5 Water and Wastewater Operator Certification Council

WWOB 1 (proposed) 675

MCAR AMENDMENTS AND ADDITIONS

Part 6 Metropolitan Waste Control Commission

MWCC 2 518

Part 7 Soil and Water Conservation Board

SWC 1-5 (adopted emergency rules) 970

TITLE 7 HEALTH

Part 1 Health Department

MHD 145-149 (emergency rules) 381
MHD 145, 147, 149-150, 195, 198, 246-254 (adopted) 1046
MHD 220(a), 224 (proposed) 926
MHD 268, 279, 294, 304-306, 314-315, (proposed) 420
MHD 139 (proposed) 674
7 MCAR § 1.370 (adopted) 832
7 MCAR §§ 1.521-1.527 (adopted) 829

Part 4 Medical Board

7 MCAR § 4.012 (proposed) 309

Part 5 Nursing Board

7 MCAR §§ 5.1002-5.1004, 5.1032-5.1036, 5.1060-5.1061, 5.1063, 5.1080, 5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036, 5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082 (proposed) .. 228
7 MCAR §§ 5.1010, 5.1011, 5.1030-5.1033 (proposed) 755

Part 7 Optometry Board

OPT 1-8 (proposed) 44

Part 8 Pharmacy Board

PHARM 1-4, 6-13, 21, 25-28, 31, 33, 36-37, 40-41, 43-46, 51, 61, 101-106, 111-118 (adopted) 1136

TITLE 8 LABOR

Part 1 Labor and Industry Department

LS 1-9, 12, 14-18 (proposed) 189
LS 1-9, 12, 14-18 (adopted) 1139
FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (proposed) 187
MOSHC 1 (emergency rule) 145
MOSHC 1 (adopted) 969
MOSHC 270-283, 290-306, 310-317, 320-336 (proposed) 149

Part 3 Public Employment Relations Board

PERB 1, 3, 10, 35, 40-41, 50, 55 (proposed) 931

Part 4 Department of Economic Security

8 MCAR § 4.0010 (proposed) 1147

TITLE 9 LAW

Part 2 Hearing Examiners Office

HE 102-112, 203-206, 209-214, 216-218, 222 (proposed) 382
HE 401-418 (adopted temporary rules) 85
HE 401-418 (proposed) 382

TITLE 10 PLANNING

Part 1 State Planning Agency

10 MCAR §§ 1.305-1.306 (adopted temporary rules) 146
10 MCAR §§ 1.305-1.306 (adopted) 673

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

DES 94, 129-130, 140-141 (proposed) 443
11 MCAR §§ 1.5067-1.5070 (proposed) 891
MoVeh 58 (adopted) 33
MoVeh 70-82 (adopted) 145
Liq 1-3, 24-35, 38-39, 56, 67, 71-77, 83-84, 92, 95, 98-100, 123 (proposed) 96

Part 2 Corrections Department

CORR 4-12 (adopted) 84
CORR 4 (errata) 135
CORR 200-203 (emergency rules) 407
CORR 200-203 (adopted temporary rules) 969

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

DPW 30 (proposed temporary rule) 132
DPW 33 (proposed temporary rule) 133
DPW 30A, 33A (adopted temporary) 754
DPW 44 (errata) 998
DPW 47 (adopted) 353
DPW 47 (proposed) 677
DPW 49 (proposed temporary rule) 234
DPW 49 (proposed) 617
DPW 49 (adopted) 245
DPW 49A (adopted temporary) 507
DPW 52 (adopted) 34
DPW 56, 60-62 (proposed) 1100
DPW 94, 104, 116, 125, 128, 131-132, 140-141 (proposed) .. 455
DPW 125, 126, 128, 130-132, 135, 140 (proposed) 633
DPW 160 (proposed) 60
DPW 160 (proposed) 160
DPW 160 (errata) 164
DPW 171, 200, 210-218 (adopted) 1093

Part 3 Housing Finance Agency

MHFA 1-17, 31-36, 51, 61-69, 111-115 (adopted) 306
MHFA 120 (proposed) 675

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4025-1.4028 (proposed temporary rules) 892

RULES

Board of Pharmacy Amended Adopted Rules Governing Operation of Pharmacies

The rules published in the *State Register*, Volume 1, p. 1138 (1 S.R. 1138) are adopted and are identical in every respect to their proposed form with the following amendments:

Chapter One: Pharmacies, Wholesalers, Manufacturers

Pharm 1 Pharmacy defined. The term "pharmacy" means an established place regularly licensed by the Board of Pharmacy in which prescriptions, drugs, medicines, chemicals and poisons are compounded, dispensed, vended or sold [[at retail]] to the consuming public. Whenever an applicable rule or regulation requires or prohibits action by a "pharmacy," responsibility for said action shall be that of the owner and pharmacist-in-charge thereof, whether said owner is a sole proprietor, partnership, association, corporation or otherwise.

Pharm 2 License required. No person or persons shall conduct a pharmacy in the state of Minnesota unless such pharmacy is licensed by the Board of Pharmacy. A fee set by the Board and indicated in Pharm 4 shall be charged for each license.

Pharm 4 License, annual [[licensing]] renewal date and fees. Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application therefor, on or before June 1 of each year, together with a fee of \$40. (Beginning January 1, 1978 said fee shall be \$50.) Renewal applications received on or after July 1 shall be subject to a late filing fee of \$20 in addition to the renewal fee.

Every person engaged in manufacturing or selling of drugs, medicines, chemicals or poisons for medicinal purposes other than [[at retail]] to the consuming public shall annually be licensed by the Board. Upon the filing of an application therefor, and upon payment of a fee of \$50, the Board may issue a license in such form as it may prescribe to such manufacturer or wholesaler. (Beginning January 1, 1978 said fee shall be \$75.) Such license shall be exposed in a conspicuous place in the manufacturer's or wholesaler's place of business for which it is issued, shall expire on the [[10th]] 1st day of June of each year and shall be renewed annually upon the filing of an application therefor, on or before May 1 of each year together with a fee of \$50. (Beginning January 1, 1978 said fee shall be \$75.) Renewal applications received after June [[10]] 1 shall be subject to a late filing fee of \$25 in addition to the renewal fee.

Pharm 10 Minimum equipment required in pharmacies.

Each pharmacy must have on file in addition to the most recent editions of the laws relating to the practice of pharmacy and the rules of the Board of Pharmacy (available through Documents Section, Department of Administration), the latest edition or revision of the U.S. Pharmacopeia — National Formulary and at least one current reference from each category:

B. Dosage and Toxicology — examples:

1. Hazards of Medications
2. American Hospital [[Formulary]] Formulary Service
3. Facts and Comparisons
4. Pediatric Dosage Handbook
5. Evaluation of Drug Interactions (APhA)

D. In addition, each pharmacy must also have the following minimum equipment, clean and in good working order:

1. One prescription balance, [[Class "A"]] as specified in regulations of the Department of Weights and Measures,
2. One set of accurate Metric weights from 50 mg. to 100 [[gm.]] g.,
3. Measuring devices capable of accurately measuring volumes from 1 [[cc.]] ml. to at least 500 [[cc.]] ml.,
4. Mortars, pestles, spatulas, funnels, stirring rods, and heating apparatus as necessary to meet the needs of that pharmacy,
5. Suitable [[Refrigeration,]] refrigerator for drug storage with a thermometer,
6. Sink with hot and cold running water,
7. Toilet with a handwashing lavatory and disposable towels in a location which is reasonably accessible.

[[8. Other equipment deemed necessary by Pharmacist-in-charge.]]

Pharm 21 Pharmacist-in-charge, requirements, definition and duties. No person shall conduct a pharmacy without a pharmacist-in-charge who shall be a pharmacist regularly employed in the [[prescription]] pharmacy department and shall be designated in the application for license, each renewal thereof or pursuant to Pharm 23. The term "pharmacist-in-charge" means a duly licensed pharmacist in the State of Minnesota who has been so designated, and it shall

RULES

be his duty and responsibility consistent with the accepted standards of professional conduct and practice and in compliance with all applicable laws and regulations:

A. To establish for the employees of the pharmacy, policies and procedures for the procurement, storage, compounding and dispensing of drugs **and the communication of information to the public in relation to drug therapy.**

C. To supervise all of the non-professional employees of the pharmacy insofar as their duties relate to the procurement, sale and/or storage of drugs, to develop appropriate detailed written procedures directing these activities, and to submit these procedures to the Board. [[in accordance with Pharm 36.]]

Pharm 25 **Pharmacist** licenses [[:]], annual renewal, fees, posting. Each pharmacist license shall expire on [[March 4]] **March 1** of each year and shall be renewed annually by filing an application therefor on or before [[March 1]] **February 1** of each year, together with a fee of \$25. (Beginning January 1, 1978 said fee shall be \$35). Any pharmacist license renewal application submitted after [[March 4]] **March 1** shall be subject to a late filing fee of \$15 in addition to the renewal fee.

Each pharmacist shall post his license or renewal thereof, in a conspicuous place [[readily visible to the public,]] within the pharmacy in which he is practicing his profession. **For community pharmacies, this place shall be a place which is readily visible to the public.**

Pharm 26. Licensure.

A. Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicants' birth certificate and a recent photograph. Applicants not citizens of the United States must have filed and proved their intention of becoming citizens. All applicants shall show evidence of graduation from a college of pharmacy or a department of pharmacy of a university approved by the Board and meeting at least the minimum standards set by the American Council of Pharmaceutical Education in the [[7th Edition]] **current edition** of its accreditation manual. Such evidence shall be shown by submitting a final transcript showing the date on which degree was conferred. The above listed documents together with a check for \$75 must be submitted to the Board at least 30 days prior to the examination.

C. Examination or license fees paid to the board shall not be returned **or refunded.**

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

Pharm 27 Continuing education requirements.

B. Requirements for Continuing Pharmaceutical Education. Commencing March 4, 1975, no annual license renewal shall be issued to a pharmacist pursuant to Minn. Stat. § 151.13 until such pharmacist shall have submitted to the board satisfactory evidence that he has completed an accredited program of Continuing Education during the previous two year period. Thereafter, each pharmacist shall submit such evidence every two years. The Board may grant a pharmacist, upon application, an extension of time not to exceed one year to comply with the requirements of this [[Rule]] **rule**. Such extension shall not relieve the pharmacist from complying with the Continuing Education requirements for any other two year period.

F. Credit for a presentation of professional lectures. Pharmacists may apply for credit of presentation of in-service training programs or lectures consisting of subjects included in the definition of Continuing Pharmaceutical Education, however, credit shall not be allowed for the preparation or presentation of programs or lectures for which academic credit may be granted to the pharmacy student. Such pharmacists need not apply for accreditation of the program provided that hours of credit applied for do not exceed the number of hours required to present the in-service training program or lecture, and, further provided that information, such as syllabus or lecture manuscript, [[he]] **be** made available upon requests to document the presentation of the in-service training. Credit for presentation of the in-service programs or other lectures will be granted only once for any given program or lecture.

H. List of accredited programs. The Board shall maintain a record of accredited programs including the hours of credit assigned to each program. **Such records may be made available to any registrant upon request.**

J. Program promotion. No reference shall be made by a program sponsor in publicizing a program that it is an "accredited program sponsor" **unless he is so accredited by the American Council on Pharmaceutical Education** or other reference indicating endorsement by the Board except as follows: "This program is accredited by the Minnesota Board of Pharmacy for ____ hours of Continuing Education credit."

Pharm 36 Compounding and dispensing. [[The practice of compounding and dispensing a prescription includes, but is not limited to the following acts, which shall be performed

RULES

only by a pharmacist, assistant pharmacist, or pharmacist-intern under the immediate and personal supervision of a pharmacist.

- A. Determination of brands and suppliers.
- B. Receipt of verbal prescriptions.
- C. Verifying the prescription order. Verification of validity and propriety must be of the original prescription order. A copy, rewritten or verbal is not acceptable.
- D. Selecting the drug to be used in filling the prescription.
- E. Extemporaneous compounding on an individual basis.
- F. Certifying the completed prescription. In certifying and documenting the completed prescription order, the pharmacist shall include:
 1. Checking of the original labeled container from which the medication was withdrawn,
 2. Checking of the labeling on the prescription medication container,
 3. Checking the contents of the prescription medication container and the appearance of the total product,
 4. Checking the patient's medication record, when utilized, for possible therapeutic incompatibilities and the accuracy of the addition to the record of the medication dispensed,
 5. Initialing of the prescription by the pharmacist performing the certification.
- G. Issuing the prescription to the patient in order to assure that the patient understands the use of the medication, the cautions and the proper storage of the drug when in the professional judgment of the pharmacist such counsel is necessary.
- H. Obtaining, when required by law or by the best professional practice, permission to refill from authorized prescribers of their agents, and noting on the reverse side of the prescription the following data:
 1. Date refilled,
 2. Name of practitioner authorizing refill (if different from original prescriber),
 3. Quantity of drug dispensed (if different from the original prescription),

4. Initials of the pharmacist refilling the prescription.

I. Supervising non-pharmacist supportive personnel utilized in the performance of certain pharmacy tasks. (The nature of these tasks shall be such that they permit adequate checking by a pharmacist and do not require professional judgment. Non-pharmacist supportive personnel may be utilized in the performance of these tasks only after appropriate detailed written procedures directing these activities have been developed by the pharmacist-in-charge and have been submitted to and approved by the board).

The ratio of supportive personnel performing allowable delegated tasks to pharmacists responsible for their supervision shall not exceed 1:1 at any time, provided, however, that pharmacist preceptors responsible for the supervision of a pharmacist-intern may supervise one such supportive person in addition to the intern.

Appropriate procedures directing the activities of non-pharmacist, personnel performing non-professional, clerical duties such as typing, looking up refills, filing prescriptions, recordkeeping, etc., are to be maintained in the pharmacy.]]

Pharm 37 Unprofessional conduct. Unprofessional conduct shall include, but is not limited to, the following acts of a pharmacist or pharmacy:

K. Prescription drug price information may be provided to the public only by a pharmacy, so long as it is not violative of any federal or state laws applicable to the advertisement of such articles generally and if all of the following conditions are met:

2. No reference shall be made to controlled substances listed in Schedule II-IV of the latest revision of the Federal Controlled Substances Act, and the [[Rules]] **rules** of the Minnesota Board of Pharmacy;

Pharm 41 Labeling of controlled substances and certain other drugs. All drugs [[classified]] **administered systemically** as controlled substances under Minn. Stat. § 152 and Pharm 51, antihistamines, psycho-therapeutic agents, and other drugs deemed appropriate in the professional judgment of the pharmacist and dispensed to or for an adult patient (other than an in-patient of a hospital or nursing home) shall be labeled according to the requirements of Pharm 40 and in addition shall contain the following:

“Caution: Taking this drug alone or with alcohol may impair your ability to drive.”

Pharm 43 Electronic data processing.

A. When electronic data processing equipment is employed by any pharmacy, input of drug information may be performed [[only by a pharmacist or under the immediate

RULES

and personal supervision of a pharmacist. The pharmacist must certify the accuracy of the information to be entered and verify the prescription order at the time of entry. The identity of such pharmacist must be carried in the record.]] **by a physician or a pharmacist. If orders are entered by other personnel the pharmacist must certify the accuracy of the information entered and verify the prescription order prior to the dispensing of the medication. The identity of the person entering the order and the pharmacist verifying the order must be retained in the record.**

Pharm 45 Sale of poisons. Sales of poisons or hazardous substances shall be made only by a [[registered]] **licensed pharmacist** or by a [[pharmacy]] **pharmacist-intern** under the direct supervision of a pharmacist. Each such transaction shall be entered into a poison register with pen and each entry shall show the date and time of day, the name and quantity of substance, the proposed use, the name, address, and signature of the purchaser, and the signature of the seller. No such substance shall be sold without the pharmacist first determining the propriety of the purported use and satisfying himself that such purchaser has produced proof of identity and legal age.

Pharm 46 Labeling of poisons. All poisons sold, except when in the original manufacturer's container or on the written prescription of a licensed practitioner, shall bear a label containing the word "Poison", the name and quantity of the substance, and the name and business address of the seller. In addition the package labeling shall contain the following information in accordance with the Hazardous Substance Labeling Act.

C. The word "POISON" in letters no smaller than the largest point on the label **accompanied by the "Mr. Yuk" symbol**. For extremely dangerous substances this must be accompanied by the "skull and crossbones."

Pharm 106 Recordkeeping. Pharmacists handling radioactive drugs shall maintain records of acquisition and disposition of all radioactive drugs for a period of not less than two (2) years.

In the case of investigational radioactive drugs such pharmacy records shall include an investigator's protocol for the preparation of radioactive drugs a copy of the Human Use Committee Approval, a copy of the approved patient consent form, and a letter from the manufacturer-"sponsor" indicating the physician requesting the radioactive drug is a qualified investigator[[; and such other records as good professional practice would dictate.

Additional records shall be maintained as required by any other statute or regulation of any federal or state agency.]].

Additional records shall be maintained as required by statute or regulation of any other state or federal agency.

Pharm 116 Order for and notice of hearing. Notices of hearing shall be addressed to the respondent at his last known [[past]] **post** office address. [[and shall be subject to the Administrative Procedures Act Minn. Stat. § 15.01 et seq., and the Rules for Contested Cases of the Office of Hearing Examiners, Minnesota Rules HE 201-222.]] **All hearings shall be conducted pursuant to Minn. Stat. ch. 15 and the Rules for Contested Cases of the Office of Hearing Examiners.**

[[Pharm 118]] **Pharm 21 G** Deficiency reports. The pharmacist-in-charge of any pharmacy wherein deficiencies are noted upon inspection by the board or its staff shall, within 30 days of receiving notice of such deficiency, submit in writing to the board the steps taken or proposed to eliminate the deficiency. Failure to submit such report or to eliminate such deficiency shall be grounds for the institution of disciplinary action by the board.

Department of Labor and Industry Adopted Rules Relating to Labor Standards Division

The rules published in the *State Register*, Volume 2, No. 5, p. 189, August 8, 1977 (2 SR 189), are adopted and are identical in every respect to their proposed forms with the following amendments:

LS 1 Minimum wage rate for minors. Employers claiming an employee is under 18 must have his **or her** birthdate substantiated by a birth certificate or an age certificate issued by the Department of Labor and Industry (through the local Superintendent of Schools) **or a photocopy of the employee's driver's license or a Minnesota identification card issued by the Department of Transportation** included in the payroll records kept for such employee. **Failure to provide proof of the ages of minors employed makes the employer liable for the adult minimum wage. The Child Labor Standards Act provides as follows: Minn. Stat. § 181A.06, subd. 1. Every employer shall require proof of the age of any minor employee or prospective employee by requiring the minor to submit an age certificate, a copy of his birth certificate, or a copy**

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

RULES

of his driver's license. Upon the request of a minor, an age certificate shall be issued by or under the authority of the school superintendent of the district in which the applicant resides. Superintendents, principals, or headmasters of independent or parochial schools shall issue age certificates to minors who attend such schools. § 181A.12, subd. 1. Any employer who hinders or delays the department or its authorized representative in the performance of its duties under §§ 181A.01 to 181A.12 or refuses to admit the commissioner or his authorized representative to any place of employment or refuses to make certificates or lists available as required by §§ 181A.01 to 181A.12, or otherwise violates any provisions of §§ 181A.01 to 181A.12 or any regulations issued pursuant thereto shall, upon conviction therefor, be guilty of a gross misdemeanor. Subd. 2. Any other person violating any provision of §§ 181A.01 to 181A.12 or any regulations issued pursuant thereto or assisting another in such a violation is guilty of a misdemeanor.

LS 7 Lodging allowance. A lodging allowance [[is]] of \$1.50 per day may be credited towards the minimum wage [[only for lodging]] if furnished by the employer and accepted by the employee. [[Lodging means living accommodations which are]] Such lodging must be adequate, decent, and sanitary according to usual and customary standards. However, lodging, the nature of which is ordinarily and commonly considered to be a tenancy in the chief place of residence of the employee, shall be credited toward the minimum wage of that employee at the rate of the fair market value of the lodging provided. The tenancy shall be evidenced by a written lease agreement providing for at least a month to month tenancy, and shall include exclusive, self contained bathroom and kitchen facilities.

LS 15 Executive, administrative, professional personnel. **The primary duties of the employee are determinative of his or her status under this exemption. Only where the employee's primary duties meet all the criteria under a particular test may the employer consider the employee to be exempt from the overtime wage provisions.**

A. Manage. For purposes of this rule, the term manage means to control and direct the business operations of a given enterprise, department or branch establishment. Duties involved in managing must [[be other than routine and repetitious and must]] involve the making of decisions and the issuance of directions to other employees which involve skill and judgment. The term includes those employees that act primarily and principally in a directive capacity as opposed to those who primarily do the actual work.

B. Discretionary powers. The thrust of this criteria is to distinguish between those employees empowered to independently commit their employers on matters of

importance and those employees who merely make day to day decisions which, although necessary to the daily operations of the employer's business, are routine, or follow prescribed procedures, or involve a determination of whether specific standards are met, or are lacking in substantial importance to the employer's business as a whole. One test which should be utilized in determining whether an employee exercises discretionary powers is to ask whether the decisions being made involve a discretion as to company policy or procedure or commit the employer on matters of substantial importance. Mere recommendations with respect to policies and procedures are not sufficient unless it can be shown that the employer consistently accepted and followed those recommendations.

C. Sole charge. Only one employee per enterprise, department or branch establishment may be considered to be in sole charge regardless of the number of work shifts per day.

D. In determining exempt and non-exempt work under this rule, work directly related to executive or administrative work may be included if the executive work which it relates to is actually performed by the employee. It is not sufficient to claim certain work is exempt where the executive or administrative function it might be directly related to is not performed by the employee.

[[Monetary amounts on salary tests will coincide and adjust with current Federal Fair Labor Standards Act.]]

EXECUTIVE Test I

- (a) receives at least [\$200] **\$250** per week in salary
- (b) manages the enterprise by which he is employed or a recognized department or subdivision thereof;
- (c) customarily directs the work of two or more other employees.

EXECUTIVE Test II

- (a) receives at least [\$125] **\$155** per week in salary;
- (b) manages **and supervises** a department of at least two other full-time people (**a full-time employee is defined as one who works at least 35 hours in a work-week**);
- (c) has authority to hire or fire [or] **[[and]] or** suggest changes in employees' status;
- (d) regularly exercises discretionary powers;

RULES

(e) either

(1) devotes less than 20% of time worked (or 40% in retail or service establishments) to non-exempt work, or

(2) owns 20% or more of the business, or

(3) has sole charge of an independent or branch establishment.

ADMINISTRATIVE Test I

(a) receives at least [\$200] **\$250** per week in salary or fee;

(b) either

(1) performs office or nonmanual work directly related to management policies or general business operations, or

(2) performs functions in the administration of a school system or subdivision thereof, in work directly relating to academic instruction;

(c) regularly exercises discretion or independent judgment.

ADMINISTRATIVE Test II

(a) receives at least [\$125] **\$155** per week in salary or fee;

(b) either

(1) performs office or nonmanual work directly related to business operations or management policies, or

(2) administers an educational system or subdivision thereof in work relating to academic instruction;

(c) regularly exercises discretion and independent judgment and makes important decisions;

(d) either

(1) directly assists owner or bona fide executive or administrative employee, or

(2) performs supervised work only along lines requiring special training or experience, or

(3) executes special assignments;

(e) devotes less than 20% of time worked (or 40% in retail or service establishments) to non-exempt work.

PROFESSIONAL Test I

(a) receives at least [\$200] **\$250** per week in salary or fee;

(b) either

(1) performs work requiring advanced knowledge in a field of science or learning, or

(2) performs work as a teacher in the activity of imparting knowledge, or

(3) performs work requiring invention, imagination, or talent in a recognized field of artistic endeavor;

(c) consistently exercises discretion and judgment.

PROFESSIONAL Test II

(a) receives at least [\$140] **\$170** per week in salary or fee;

(b) either

(1) performs work requiring advanced knowledge in a field of learning customarily acquired by prolonged specialized intellectual study (not a general academic education, an apprenticeship, or training in routine mental or physical processes), or

(2) performs original work dependent on his own creativeness in a recognized field of artistic endeavor, or

(3) is a certified teacher working as such or recognized as such in the school system where he works;

(c) consistently exercises judgment and discretion;

(d) performs predominantly intellectual work so varied that the output cannot be standardized by time necessary for accomplishment;

(e) devotes less than 20% of his hours worked to activities not essential to his professional work.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

**Department of
Transportation**

Designated Ten-Ton Vehicle Routes

These rules are promulgated pursuant to Laws of 1977, ch. 248, § 11, which requires publication in the *State Register* to fulfill public notice. The following are the designated routes for ten-ton vehicles for calendar year 1978.

Jim Harrington
Commissioner of Transportation

DESIGNATED 10-TON ROUTES — TRUNK HIGHWAYS — 12 MONTHS

- T.H. 2 From Jct. I-35 in Duluth to Arrowhead Bridge
- T.H. 3 From Jct. T.H. 110 to T.H. 212
- T.H. 5 From Mississippi River to Jct. I-494
- T.H. 7 From I-494 to Jct. T.H. 15 (Hutchinson)
- T.H. 10 From W. State Line to Becker Co. CSAH 10 (Frazee)
- T.H. 12 I-694 to Wisconsin
- T.H. 13 From Jct. T.H. 101 to I-35W
- T.H. 14 From Jct. T.H. 57 (Kasson) to Jct. T.H. 52
- T.H. 14 From I-35 west to 24th Avenue N.W. in Owatonna
- T.H. 15 S. State Line to I-90
- T.H. 23 From Jct. I-94 to T.H. 55 in Paynesville
- T.H. 25 From I-94 to Sherburne County CSAH 11
- T.H. 27 From I-35 to Jct. T.H. 73 (Moose Lake)
- T.H. 28 From 5th St. N.W. in Glenwood to Jct. I-94
- T.H. 29 From Jct. I-94 to its N. Jct. with T.H. 27 (Alexandria)
- I-35 Continuous from Iowa border to 1.0 mile N. of Jct. with I-535 in Duluth — includes I-35W, I-35E, from downtown St. Paul to vicinity of Forest Lake
- T.H. 36 From Jct. I-35W to T.H. 212 near Stillwater
- T.H. 47 From Jct. 10 in Anoka to 2 miles S. of Jct. I-694
- T.H. 51 From Jct. I-694 to I-94
- T.H. 52 From Jct. I-90 to Olmsted Co. Rd. 14, 5 miles N. of west Jct. T.H. 14 in Rochester
- T.H. 52 From Jct. T.H. 100 to I-94
- T.H. 52 From west City Limits of St. Paul to Plato Blvd.
- T.H. 55 From Jct. T.H. 23 (Paynesville) to 6.5 miles W. of Jct. 71 (Brooten)
- T.H. 55 From Jct. T.H. 5 to Jct. I-35E
- T.H. 55 From Jct. T.H. 22 (Eden Valley) to 1½ miles E. of T.H. 100
- T.H. 59 From Jct. T.H. 10 to I-94 (Fergus Falls)
- T.H. 59 From Jct. I-94 north to Sheridan Avenue in Fergus Falls
- T.H. 61 From end I-35 (Duluth) to Lake Co. Rd. 2 (Two Harbors)
- T.H. 61 From N. Jct. I-90 to 1 mile N. of T.H. 60 at Wabasha
- T.H. 61 From Hastings to Jct. I-94
- T.H. 61 From Jct. T.H. 96 to Jct. T.H. 212 (E. 7th St.)
- T.H. 63 From Jct. with I-90 to Jct. T.H. 52
- T.H. 65 From S. Jct. I-35 (S. of Albert Lea) to 2.3 miles N.
- T.H. 71 From Jct. I-94 N. to North 4th St. in Sauk Centre
- T.H. 73 From Jct. T.H. 27 (Moose Lake) to Jct. I-35
- T.H. 74 From Jct. I-90 N. to Jct. T.H. 14 in St. Charles
- I-90 W. Border to E. Border (including yet to be constructed)
- I-94 Continuous from N.D. border to I-694, east of St. Paul (includes yet to be constructed segment at St. Cloud, Lyndale Ave. location in Mpls.)
- T.H. 95 From Jct. T.H. 12 to south Jct. T.H. 212

RULES

T.H. 100	From I-494 to T.H. 52
T.H. 101	From Jct. I-94 (Rogers) to Jct. T.H. 169 (Elk River)
T.H. 101	From Jct. 169 (in Shakopee) to Jct. T.H. 13
T.H. 110	From T.H. 56 W. to Jct. T.H. 3
T.H. 152	From Jct. I-94 (Brooklyn Park) to Jct. I-94 in Rogers
T.H. 169	From Jct. I-494 to T.H. 100 (Hennepin Co. should designate Co. Rd. 62)
T.H. 169	From Jct. T.H. 21 (Jordan) to Jct. T.H. 101 (Shakopee)
T.H. 210	From Jct. I-94 E. to St. Andrews St. S. in Fergus Falls
T.H. 212	(E. 7th St.) From T.H. 52 (Robert St.) east to East Minnehaha Avenue
T.H. 212	From Jct. T.H. 36 (near Stillwater) to Jct. T.H. 95
T.H. 218	From E. Jct. I-90 to 1¾ miles south
T.H. 218	From W. Jct. I-90 to 2 miles N.
T.H. 280	From Jct. I-94 to Jct. T.H. 36
T.H. 324	From I-35 to its Jct. with T.H. 361 in Pine City
I-494	From Jct. I-94 (Fish Lake) to present end I-494 at T.C. Int. Airport
I-494	From T.H. 56 to Jct. I-94 E. of St. Paul
I-535	In Duluth, from I-35 to Wisconsin
I-694	From Jct. I-94, E. of St. Paul, to Jct. I-94 (Brooklyn Center)

DESIGNATED 10-TON ROUTES — COUNTY ROADS

Becker County

CSAH 10 connections to T.H. 10

Clay County

CSAH 11 from T.H. 10 to Truck Stop ½-mile south of I-94

Douglas County

CSAH 41 from I-94 to its junction with CSAH 82

CSAH 82 from CSAH 41 to its junction with T.H. 29 in Alexandria

Hennepin County

— CSAH 3 (Excelsior Blvd.)	— From CSAH 18 to T.H. 100
— CSAH 10 (Bass Lake Rd.)	— From FAI 494 to CSAH 156
— CSAH 15 (Shoreline Blvd.)	
— From CSAH 110 to CSAH 19	
— CSAH 18	— From FAI 494 to T.H. 7
— CSAH 18	— From CSAH 10 to FAI 94
— CSAH 19	— From T.H. 7 to CSAH 15
— CSAH 20 (Blake Rd.)	— From CSAH 3 to T.H. 7
— CSAH 34 (Normandale Blvd.)	— From 94th St. to FAI 494
— CSAH 109 (85th Ave. No.)	— From CSAH 18 to T.H. 52
— CSAH 156 (Winnetka Ave.)	— From CSAH 9 to CSAH 10

McLeod County

County Road 90 from T.H. 7 to 1¼ miles south

Pine County

CSAH 61 from Int. of T.H. 361 and T.H. 324 to its Jct. with CSAH 11 in Pine City

County Road 55 from CSAH 61 to Industrial Park — Pine City

CSAH 8 from CSAH 61 to E. 2nd St.

Ramsey County

County Road D (CSAH 19) from Old T.H. 8 to I-35W in Ramsey County

Old Highway 8 (CSAH 77) from County Road D to First Street S.W. in Ramsey County

Cleveland Avenue (CSAH 46) from County Road C to County Road C-2 in Ramsey County

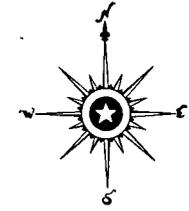
County Road C (CSAH 23) from Walnut Street to Prior Avenue in Ramsey County

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

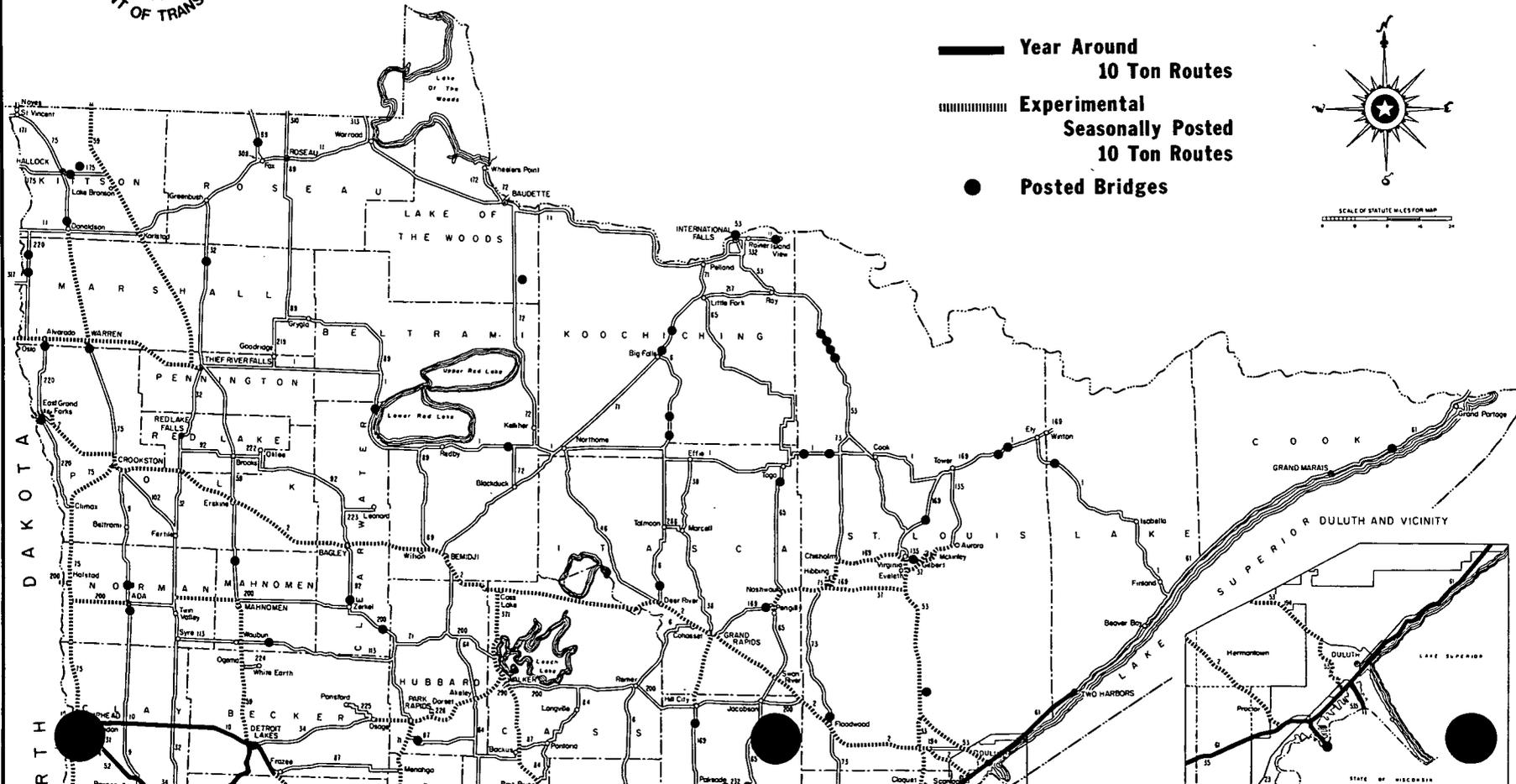


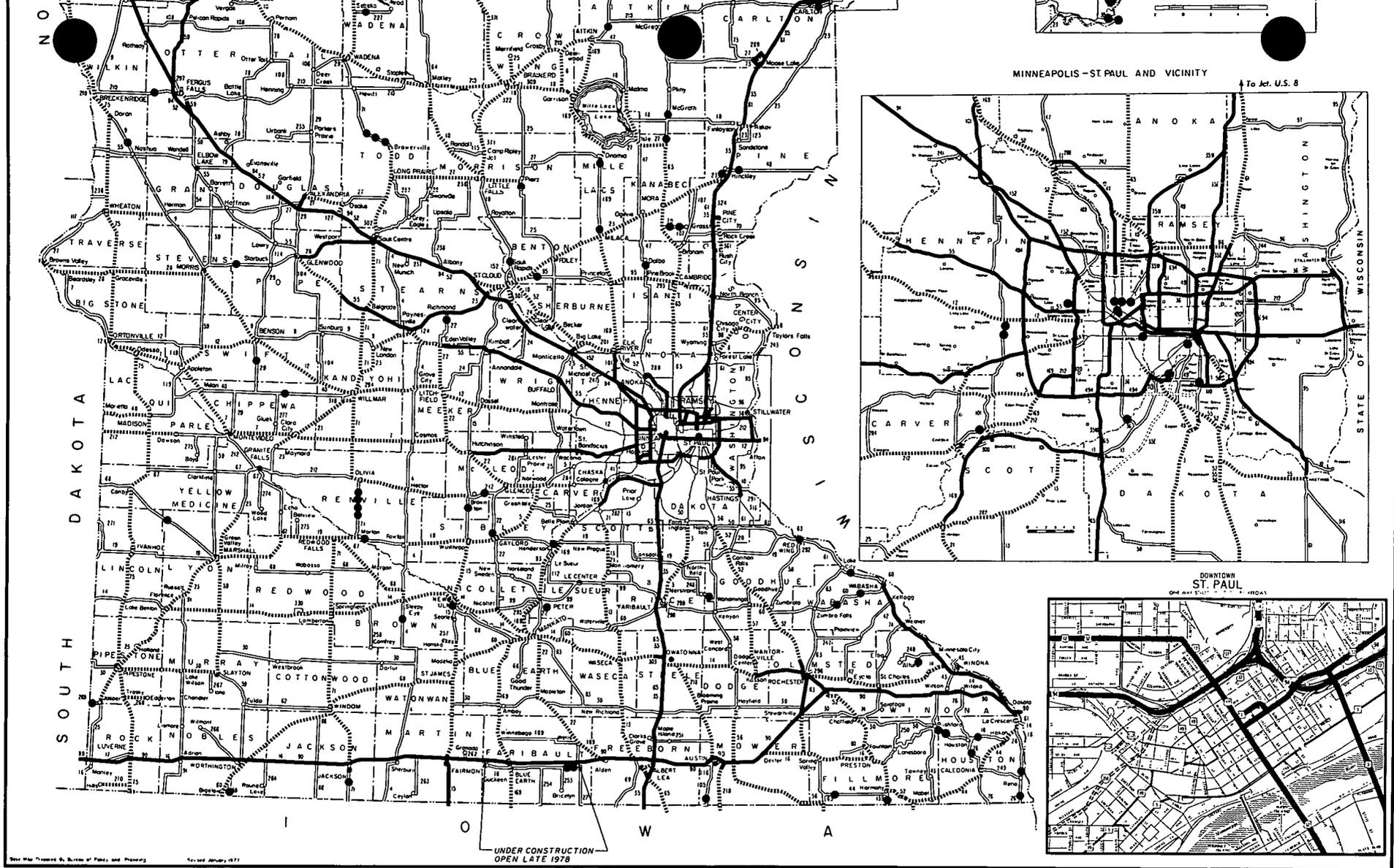
STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
10 Ton Routes

-  Year Around
10 Ton Routes
-  Experimental
Seasonally Posted
10 Ton Routes
-  Posted Bridges



SCALE OF STATUTE MILES FOR MAP
0 2 4 6 8 10 12 14 16 18 20





For designated routes see overleaf.

RULES

Sherburne County

CSAH 11 from T.H. 25 to T.H. 10 in Sherburne County

DESIGNATED 10-TON ROUTES — CITY STREETS

Albert Lea

Margaretha Avenue from T.H. 65 south to 13th Street, and 13th Street east to its termini.

Blaine

85th Avenue from I-35W to 3601 (truck terminal in the City of Blaine). Contact Ramsey County.

Detroit Lakes

Randolph Road from Gabor Terminal to Roosevelt Avenue; then Roosevelt Avenue south to T.H. 10.

Fergus Falls

Douglas Avenue from T.H. 59 to T.H. 210.

Sheridan Avenue from T.H. 59 and 210 north to Washington Avenue, west on Washington Avenue one block to Sherman Street, then south one block on Sherman Street to Junius Avenue.

From T.H. 210 south on St. Andrews Street to West Lincoln Avenue, west on West Lincoln Avenue to Sewage Plant Road, then south on Sewage Plant Road to Central By Products Plant.

Glenwood

5th Street N.W. from T.H. 28 (Minnesota Avenue) to North Lakeshore Drive, then North Lakeshore Drive to the west corporate limits.

Minneapolis

Those streets and highways signed by the City of Minneapolis as truck routes subject to road and bridge postings.

Moorhead

1st Avenue North from 8th Street North to T.H. 10.

Owatonna

Hoffman Drive from I-35 to North Street, North Street from Hoffman Drive east to the railroad tracks.

Pine City

Seventh Street from Hillside Avenue to 8th Avenue West, from 4th Avenue West to 3rd Avenue West, from 2nd Avenue west to river.

Fourth street from Hillside Avenue to 8th Avenue East, 5th Avenue East to 3rd Avenue East.

Third Street from 3rd Avenue East to river.

Second Street from 3rd Avenue East to 2nd Avenue East.

First Avenue East from CSAH 61 to railroad tracks.

Second Avenue West from 7th Street to CSAH 61.

Second Avenue East from CSAH 61 to Second Street.

Third Avenue West from 7th Street to CSAH 61.

Third Avenue East from CSAH 61 to 2nd Street.

Fourth Avenue West from 7th Street to CSAH 61.

Eighth Avenue West from 7th Street to CSAH 61.

Eighth Avenue East from CSAH 61 to 4th Street.

Hillside Avenue from CSAH 61 to Fourth Street.

St. Paul

Dale Street from Grand Avenue to Larpenteur Avenue.

Plato Blvd. from Water Street to Fillmore Avenue.

Chester Street from T.H. 3 to Plato Blvd.

North Cleveland Avenue from University Avenue South to Wabash Avenue, then Wabash Avenue on North Cleveland to Vandalia Street, then Vandalia Street to I-94.

East Seventh Street from East Minnehaha Avenue to Atlantic Street, then Atlantic Street north to railroad tracks.

Wacouta Street from I-94 to Fifth Street, then Fifth Street from Wacouta Street to Broadway.

Shepard Road from T.H. 5 to Warner Road. Then Warner Road from its intersection with Shepard Road to T.H. 61.

PROPOSED RULES

Department of Economic Security

Proposed Rules Governing the Employment of Youth Under the Summer Youth Employment Act of 1977

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Conference Room A, 5th Floor, Economic Security Building, 390 North Robert Street, St. Paul, Minnesota 55101 on January 17, 1978, commencing at 10:00 o'clock 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 Steve Mihalchick, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8112, either before the hearing or within five working days after the close of the hearing.

The proposed rule, if adopted, would establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Laws of 1977, ch. 254, and establish contracting, operating, and invoicing procedures to be utilized in the expenditure of said funds. Copies of the proposed rule are now available and one free copy may be obtained by writing Guy Flanagan, Minnesota Department of Economic Security, 390 North Robert Street, St. 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 rule is contained in Laws of 1977, ch. 254, § 3. A "statement of need" explaining why the agency feels the proposed rule is 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 Minn. Stat. ch. 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rule making by com-

municating with or encouraging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The chapter provides certain exceptions. Questions should be directed to the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Michael C. O'Donnell
Commissioner of Economic Security

*Readers should note that these are new rules.

Rule as Proposed

8 MCAR § 4.0010

A. Purpose. This rule adopted pursuant to Laws of 1977, ch. 254, § 3, is designed to establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Laws of 1977, ch. 254, and to establish contracting, operating, and invoicing procedures to be utilized in the expenditure of said funds.

B. Application of rule. This rule applies to those funds which are allocated for expenditure by political subdivisions and nonprofit organizations located within the jurisdiction of a CETA (federal Comprehensive Employment and Training Act of 1973. P. O. 93-203) prime sponsor.

C. Definition of terms. The following terms used in this rule shall have the meaning given them:

1. "Act" means the Youth Employment Act of 1977, Laws of 1977, ch. 254.
2. "Commissioner" means the Commissioner of the Minnesota Department of Economic Security.
3. "Contract" means an agreement entered into between a prime sponsor or a political subdivision or a nonprofit organization and the commissioner for the operation of a youth employment program under the Act.
4. "Department" means the Minnesota Department of Economic Security.
5. "Prime Sponsor" means a unit of government, combination of units of government, a rural concentrated employment grantee, or an Indian reservation, which has

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

entered into a grant with the United States Department of Labor to provide comprehensive manpower services under the federal Comprehensive Employment and Training Act of 1973. (P. L. 93-203).

6. "Program Employer" means an organization which employs a person or persons under the program established by the Act.

7. "Subcontract" means an agreement entered into between a prime sponsor and a political subdivision and/or nonprofit organization for the operation of a youth employment program under the Act.

D. Allocation of funds. The commissioner shall allocate funds to state agencies, counties, cities and Indian reservations in the state. All funds not allocated to state agencies and Indian reservations shall be allocated to counties and cities.

1. Allocations to counties.

a. Fifty percent (50.0%) of the amount which the commissioner determines shall be allocated to counties, shall be allocated to each county on the basis of the county's share of the estimated youth population of the state which is 14 through 21 years of age.

b. Fifty percent (50.0%) of the amount which the commissioner determines shall be allocated to counties, shall be allocated to each county according to the county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

(1) Historic summer unemployment rates in the county as evidenced for the months of June, July and August for the most recent three-year-period for which such data is available. This factor is designed to provide more funds to counties with high summer unemployment rates.

(2) The county's proportion of families below the poverty level as evidenced by 1970 U.S. Census figures as adjusted by reference to more recent population surveys. This factor is designed to provide more funds to counties with a high proportion of families below the poverty level.

(3) Estimates of post secondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board. This factor is designed to eliminate the impact of a county's post secondary school enrollment on its share of the state's youth population.

2. Allocation to cities. After the commissioner has made an allocation to each county, each county's allocation shall be divided as follows:

a. Each city within the county which has a total population of 2500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county.

b. The remainder of the county allocation, that part which is not allocated to cities under 8 MCAR § 4.0010 D.2.a., shall be allocated to the county as a whole.

3. Indian reservations. The amount which the commissioner determines shall be allocated to Indian reservations, shall be allocated to each reservation based on the population of the reservation as compared to the total population of Indian reservations in the state.

E. Contracting procedures. Each prime sponsor will be offered a contract for the amount of funds allocated to its area. Upon the offer of a contract, each prime sponsor may exercise the following options:

1. Sign the contract for the entire amount of the allocation and directly administer the program.

2. Sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions and/or nonprofit organizations within the prime sponsor's jurisdiction.

3. Designate all or a part of the allocation to be directly used by a state agency, political subdivision or a nonprofit organization.

4. Decline the offer of contract. In such a case, the commissioner shall offer to contract directly with the cities and counties in the prime sponsor's area.

F. Operational procedures.

1. Regular program. Youth who are at least 14 years of age but less than 22 years of age, at the time they are to begin employment under the program established by the Act, are eligible for program employment. Approximately 50 percent of the youth hired should be from families whose annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. Hereinafter, this portion of the program is referred to as the "regular program".

2. Post secondary program. Notwithstanding 8 MCAR § 4.0010 F.1., at least 33 1/3 percent of the funds allocated to the prime sponsor area are to be used to hire youth who are at least 18 years of age but less than 22 years of age who are certified by the Department as intending to enroll or are enrolled in a post secondary educational institution. Fifty percent of the youth hired should be from families whose

PROPOSED RULES

annual incomes do not exceed the poverty guidelines established by the Employment and Training Administration of the United States Department of Labor. Hereinafter, this portion of the program is referred to as the "post secondary program". A partial waiver from this part may be obtained in accordance with the procedures set forth in 8 MCAR § 4.0010 H.

3. To obtain eligible youth, program employers must place a job order with the Department and may employ only those youth referred by the Department.

4. Eligible youth (not designated as supervisors) shall be paid the Federal minimum wage for a period not to exceed 40 hours per calendar week and for not more than 12 weeks.

5. Program employers, at their discretion, may designate one eligible youth as supervisor for every ten youth in its employ under the Act. Program employers who employ at least five but less than ten youth may designate one youth as a supervisor. Youth designated as supervisors shall be paid the Federal minimum wage plus twenty five cents (25¢) per hour for up to 40 hours per week for a period not exceeding 12 weeks.

6. Upon signing a contract or subcontract program employers may begin employing eligible youth referred by the Department; however, no youth may be employed while

attending school as a full-time student. No youth may be employed beyond September 30th of each calendar year.

G. Invoicing. The Department shall reimburse contractors for wages paid to eligible youth, employers' contributions to FICA paid in behalf of such youth and Workers' Compensation insurance costs for such youth. Invoices and specific procedures for reimbursement will be furnished to program employers by the Department.

H. Reallocation procedures.

1. Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

a. The city or county originally allocated the funds according to the formula in 8 MCAR § 4.0010 D. refuses the funds.

b. The city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

2. Prime sponsors may shift funds from the post secondary portion of their program to the regular portion of their program provided that they certify in writing to the Department that they are unable to obtain sufficient youth who meet the criteria set forth in 8 MCAR § 4.0010 F. 2., and the Department concurs.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

OFFICIAL NOTICES

Department of Commerce Insurance Division

Notice of Extension in Outside Opinion Response Time Regarding the Readability of Insurance Policies

Notice is hereby given that the Department of Commerce, Insurance Division, will allow additional time for response to its solicitation of proposals for rules implementing the Readability of Insurance Policies Act, as authorized by Laws of 1977, ch. 345 § 12. Notice of solicitation of information was first published in Vol. 2, *State Register*, No. 21, p. 1051 (November 28, 1977), and pursuant to said notice the initial solicitation period expires on December 28, 1977.

Pursuant to the request of interested parties, additional time is granted for submissions of proposals and the solicitation period is hereby extended to January 31, 1978.

All interested persons or groups are requested to submit their considerations relating to the rules governing the readability of insurance policies that should be adopted by the Commissioner of Insurance.

Proposals, information, and comment shall be submitted in writing and may be addressed to:

Mary E. Mahoney
Assistant to the Commissioner
Insurance Division
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

All proposals, information, and comment must be received by January 31, 1978.

Berton W. Heaton
Commissioner of Insurance and Chairman

Department of Education Division of Instruction

Notice of Hearing Regarding Health Screening and Experimental Programs

Notice is hereby given that the public hearing in the matter of the proposed adoption of rules: experimental programs for elementary and middle schools; and pre-school health and developmental screening has been rescheduled for February 3, 1978, in Room 105 in the State Department of

Health Building, 717 Delaware St. S.E., Minneapolis, Minnesota, commencing at 9:00 A.M. or as soon thereafter as possible and continuing until all persons have had an opportunity to be heard.

The rules are published in the *State Register*, Vol. 2, No. 21, pp. 1051-1056. The date and place of the public hearing as specified in that notice is superseded.

Department of Education Division of Vocational-Technical Education

Notice of Hearing Regarding Vocational Education

Notice is hereby given that a special session of the public hearing in the matter of the proposed adoption of rules of the board of education (state board of vocational education) governing the content, approval and funding of vocational education programs has been extended on January 10, 1978, from 7:00 to 10:00 P.M. in the State Office Building Auditorium, Room 83, St. Paul, Minnesota. This special session has been added to accommodate interested parties who may have conflicts during the regularly scheduled hearing times. The rules are published in the *State Register*, Vol. 2, No. 21, pp. 1056-1082.

Department of Human Rights

Notice of Hearings, Settlement Agreements and Pre-Determination Agreements from October 27, 1977 through November 25, 1977

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contained the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.
2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

Department of Human Rights, Complainant, vs. Oaks Supper Club, Respondent, RP52.

OFFICIAL NOTICES

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Oaks Supper Club (hereinafter "respondent") had terminated her employment on the basis of her marital status in violation of the Minnesota Human Rights Act. The charging party alleged that the respondent terminated her after her husband who was employed by the respondent submitted his resignation. The charging party alleged that the respondent felt a family conflict might develop since the charging party's husband was no longer employed by the respondent. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and respondent agreed to settle the matter as follows:

1. The respondent agreed to pay the charging party \$150.00 as a negotiated total settlement of the charge filed against the respondent by the charging party.

Department of Human Rights, Complainant, vs. United Hospitals, Inc., Respondent, E2951.

Charge.

A person (hereinafter "charging party") filed a charge alleging that United Hospitals, Inc., refused to consider him for employment because of his sex. The charging party alleged that when he applied for a nursing assistant position with the respondent employer, he was told that the job was only open to female applicants. Following an investigation, the Commissioner of Human Rights found no probable cause to credit the charging party's allegation of an unfair discriminatory practice. However, the employment application form of the respondent was unsatisfactory to the department.

Settlement.

The department and the respondent agreed to settle the matter as follows:

1. The respondent agreed to revise its employment application form to eliminate all questions which elicit information relative to an applicant's marital status.

Department of Human Rights, Complainant, vs. Mr. Tom Colter, Owner-Manager, H644.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Mr. Tom Colter, owner of rental property

(hereinafter "respondent"), denied housing to the charging party which the charging party could afford because the charging party received public assistance. The charging party was an AFDC recipient. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter as follows:

1. The respondent agreed to pay the charging party the sum of \$50.00 as punitive damages.

Department of Human Rights, Complainant, vs. Graybow-Daniels Co., Respondent, E3268.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Graybow-Daniels Company (hereinafter "respondent") discriminated against her because of her sex by forcing her to take a different position than she held prior to a maternity leave of absence. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The parties agreed to settle the matter in the following manner:

1. The respondent agreed with respect to all employment-related purposes, including receipt of fringe benefits programs, to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work.

2. The respondent agreed to pay the charging party \$1107.90 as a negotiated settlement of the charge filed against the respondent by the charging party.

Department of Human Rights, Complainant, vs. Allen Mastbaum, Respondent, H788.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Allen Mastbaum, owner of rental property (hereinafter "respondent") discriminated against him and his wife by refusing to rent to them on the basis of race. The charging party is black and his wife is white. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

OFFICIAL NOTICES

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to post Equal Opportunity in Housing posters in his rental office.
2. The respondent agreed to pay the charging party the sum of \$100.00 damages.

Department of Human Rights, Complainant, vs. Minnesota Mutual Life Insurance Co., Respondent, RP161.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Minnesota Mutual Life Insurance Company (hereinafter "respondent") discriminated against her in the terms and conditions of her employment because of her association with a person of a different race. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to make the opportunity available for the charging party to transfer from her present position to a comparable position in another unit of the company.
2. The respondent agreed to restore four vacation days used by the charging party for illness because she had exhausted her sick leave and grant her a retroactive leave without pay.
3. The respondent agreed to schedule the charging party's present supervisor for supervisory training, which includes Equal Employment Opportunity training, to further develop her personnel management skills.

Department of Human Rights, Complainant, vs. Minnesota Hospital Association, Respondent, E2564.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Minnesota Hospital Association, discriminated against her on the basis of sex by maintaining a practice of employment that paid female employees differently than male employees who were promoted and did similar work. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to compensate the charging party for the period of time during which the charging party's responsibilities included the supervision of a newly-hired male employee who was earning \$216.00 per month more than the respondent was paying the charging party.
2. The respondent agreed to award the charging party an amount of \$360.00 so that the total compensation received by the charging party would be at least equal to that paid to the employee supervised by the charging party.

Department of Human Rights, Complainant, vs. Independent School District #879, Delano School Board, Respondent, E2862.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, School District #879 of Delano (hereinafter "respondent"), discriminated against her on the basis of her sex by refusing to allow her to use sick leave she had accumulated during a period of time she was absent due to a maternity-related disability. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party \$400.00 in negotiated settlement of the charge.

Department of Human Rights, Complainant, vs. Mr. Tom Waite, Owner, Respondent, H890.

Charge.

A person (hereinafter "charging party") alleged that Mr. Tom Waite, owner of rental property (hereinafter "respondent"), denied him the opportunity to rent a home because of his race in violation of the Minnesota Human Rights Act. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent settled the matter in the following manner:

OFFICIAL NOTICES

1. The respondent agreed to offer his next available vacancy to the charging party.

2. The respondent agreed to develop objective criteria to determine the suitability of applicants for rental property.

3. The respondent agreed to pay the charging party \$200.00 as punitive damages.

Pre-Determination Agreements

A pre-determination agreement is an agreement reached prior to the Commissioner's finding of probable or no probable cause. It is signed by the charging party, the respondent, and the Commissioner. A pre-determination agreement may be reached through a departmental procedure called The 30-Day Waiver Process. Prior to a formal investigation by the department, a charging party and a respondent may mutually agree to request that the department waive investigation of the complaint for 30 days while the parties attempt to settle the matter.

Clayton J. Wilm, Charging Party, vs. Graco, Inc., Respondent, E4297.

Charge.

A person (hereinafter "charging party") filed a charge alleging that his employer, Graco Inc. (hereinafter "respondent") discriminated against him in violation of the Human Rights Act by terminating him because of a non-job-related disability. Prior to a formal investigation by the department, the two parties reached an agreement which was approved by the department.

Agreement.

The two parties settled the matter in the following manner:

1. The respondent agreed to employ the charging party at a satisfactory salary in the position that the charging party had formerly held.

2. The respondent agreed to adjust the seniority, sick leave, and annual leave that would have accrued to the charging party.

3. The respondent agreed that the charging party would be covered by group health and insurance policies from the first day of employment.

Mr. Obie Kipper, Jr., Charging Party, vs. Maximilian's, Respondent, PA271.

Charge.

A person (hereinafter "charging party") alleged that

Maximilian's, a public accommodator (hereinafter "respondent") discriminated against him on the basis of his race by treating him and two companions in a disparate manner. The charging party alleged that he and his companions who are black, were told to buy drinks or to leave within minutes after they arrived while several white persons who arrived were not singled out in this manner. Prior to a formal investigation by the department, the parties reached an agreement which was approved by the department.

Agreement.

The two parties settled the matter in the following manner:

1. The respondent agreed to pay the charging party \$250.00 as a negotiated settlement of the matter.

2. The respondent agreed to disseminate to all employees a statement of the respondent's non-discrimination policy and to include in this statement the phrase, "Any violation of this policy on the part of any employee of this establishment shall result in disciplinary action up to and including discharge."

3. The respondent agreed to promulgate the rules governing situations that could result in a patron being asked to leave the premises. A copy of these rules shall be posted in a conspicuous place, preferably near the entrance. The respondent agreed to submit a copy of the rules within 30 days after the agreement was signed.

Mr. Larry Williams, Charging Party, vs. Minneapolis Electric Steel, Respondent, E4464.

Charge.

A person (hereinafter "charging party") filed a charge alleging that he was denied employment with Minneapolis Electric Steel (hereinafter "respondent") because of his race. Prior to a formal investigation by the department, the two parties reached an agreement which was approved by the department.

Agreement.

The two parties agreed to the following:

1. The respondent agreed to hire the charging party to fill the position for which he had applied.

Hearing Notices

Department of Human Rights, Complainant, vs. The Housing and Redevelopment Authority of St. Cloud and Gerald H. Eilers, Respondents, December 28, 1977, 9:00 a.m.,

OFFICIAL NOTICES

offices of Hoolihan, Marrin & Neils, 18 North Ninth Avenue, St. Cloud, Minnesota, 56301.

Department of Human Rights, Complainant, vs. The City of Minneapolis; Frank J. Ankner, M.D.; and The Minneapolis Civil Service Commission, Respondents, January 28, 1978, 9:00 a.m., Hennepin County Government Center, Commissioner's Meeting Room, 300 Sixth Street South, Minneapolis, Minnesota 55487.

Department of Human Rights, Complainant, vs. Buckbee-Mears Company, Respondent, January 31, 1978, 9:00 a.m., 240 Bremer Arcade Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Department of Transportation

Notice of Application and of Opportunity For Hearing Regarding Petition of Chicago and North Western Transportation Company for Authority to Retire and Remove ICC Track No. 22 Located at New Ulm, Minnesota

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supplement) and § 218.041, subd. 3 (10) (1977 Supplement) to retire and remove that portion of ICC Track 22 lying Westerly of the

Easterly line of 20th South Street in the City of New Ulm, Minnesota. The petition recites among other matters that: "The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense. The track has not been used for the last three years."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before January 2, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a PARTY to this matter must submit a timely PETITION TO INTERVENE to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington
Commissioner of Transportation

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules, notices and executive orders.

_____ Annual subscription \$110.00
_____ Additional subscription \$85.00

State Register Binder. Durable 3½ inch, forest green binders imprinted with the State Register logo.

_____ State Register Binder \$5.00 + \$.20 (sales tax) = \$5.20* each

Guidebook to State Agency Services. The 53rd issue of the State Register, a how-to-get-it guide to state services. Detailed information about every service available to the public, in clear, simple English.

_____ Single copy \$5.95 + \$.24 (sales tax) = \$6.19*
_____ Ten copies or more
\$5.00 + \$.20 (sales tax) = \$5.20*

Minnesota Code of Agency Rules (MCAR). The permanent, 15 volume set of state agency rules. An indispensable reference work for the practice of administrative law.

_____ 15 volume set \$325.00, includes the annual update service subscription for the year of order and a set of MCAR binders.

MCAR Binders. A set of 15 sturdy, three inch, three-ring binders in attractive forest green, imprinted with the MCAR logo.

_____ 15 volume set \$35.00 + \$1.40 (sales tax) = \$36.40*

*To avoid Minnesota sales tax, please include below your tax exempt number.

Please enclose full amount of items ordered. Make check or money order payable to "Minnesota State Treasurer."

Name _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

Tax Exempt Number _____

Legislative Reference Library
Attn: Stephen Plumb
Room 111 State Capitol
St. Paul, Minnesota 55155

I