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State Register

STATE OF MINNESOTA



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VOLUME 2, NUMBER 31

FEBRUARY 6, 1978

State Register

Notice of *State Register* Format Changes

Beginning with *State Register* Vol. 2, issue No. 26, dated January 2, 1978, the Office of the State Register will be making the following enhancements in the *State Register* format:

- Highlights on the front cover will be arranged under section headings, as they appear within the *State Register*, and will include page numbers. The Highlights section will also include a notation directing readers to a more complete table of contents within the issue.
- An introductory statement will be included for each section of the *State Register*. These statements will give a brief explanation of the kinds of material contained in the section; effective lead times for notices of hearing, rules, or executive orders; and cites to applicable statutes.
- A new key using ~~strike outs~~ to indicate deleted language and underlining to indicate new language. Strike outs and underlining in proposed rules will indicate changes from original language to proposed new language. Strike outs and underlining in adopted rules will indicate changes from proposed to adopted language.
- Guide rule-numbers will be printed, when applicable, at the outside top of each page to indicate the beginning rule number on the left hand pages and the ending rule number on the right hand pages.
- Chapter and rule numbers that begin the text of an adopted or proposed rule will be printed in bold face.

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- (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*.

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EXECUTIVE ORDERS

Executive Order No. 165

Charging the Department of Natural Resources with the Administration of the Governor's Aesthetic Environment Program and Related Efforts to Eliminate Visual and Aesthetic Pollution in the State of Minnesota

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

WHEREAS, visual and aesthetic pollution in Minnesota is a problem recognized by our citizens and the Legislature; and,

WHEREAS, several programs throughout State government are currently being operated with the goal of fighting this problem; and,

WHEREAS, overall coordination of these efforts would increase the effectiveness of efforts and monies expended in this fight; and,

WHEREAS, the Department of Natural Resources is actively involved in fighting such pollution and well situated to coordinate other agency efforts.

NOW, THEREFORE, I order:

1. That the Department of Natural Resources through its Governor's Aesthetic Environment Program shall assume overall coordination of the below enumerated responsibilities and efforts in order to assure that each program makes a maximum contribution toward the common goal of eliminating visual and aesthetic pollution in Minnesota, and, that the Department may solicit, accept, and expend available federal and state monies for this purpose;

2. In cooperation with the various state agencies which are charged to operate programs relating to the elimination of visual and aesthetic pollution, the Department of Natural Resources through the Governor's Aesthetic Environment Program shall establish proper communications between state, regional, and local governmental units and private groups who are interested or affected;

3. Individual private and business concerns shall be encouraged to participate to the greatest possible extent in this undertaking;

4. Specifically, the Commissioner and Department of Natural Resources through the Governor's Aesthetic Environment Program shall coordinate the work of state agencies who are operating programs aimed at the elimination of visual and aesthetic pollution including, but not limited to, the efforts presently underway in the following programs:

Abandoned Automobile Program
Dilapidated Buildings Program
Abandoned Mineland Clean-Up Program
Mineland Reclamation
General Assistance Work Relief Program or Environmental Clean-Up
Waterway Clean-Up Program

EXECUTIVE ORDERS

Major Industrial Segment Clean-Up Program
Junkyard Clean-Up Program
Community Clean-Up Program
Tree Planting Program

Pursuant to Minn. Stat. § 4.035, this Order shall be effective fifteen (15) days after its publication in the State Register and filing with the Secretary of State, and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. § 4.035 (1977 Supp.).

IN TESTIMONY WHEREOF, I hereunto set my hand on this 16 day of January, 1978.



RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to § 15.052, all rules, amendments to rules, or suspensions or repeals of rules become effective after all requirements described in Minn. Stat. § 15.0412, subd. 4 have been met and five working days after publication in the *State Register*, unless a later date is required or specified.

If the rule as adopted does not differ from the proposed rule as previously published in the *State Register*, a notice of adoption as proposed and a citation to the previous publication is considered sufficient as publication of the adopted rule, suspension or repeal.

If the rule as adopted differs from the proposed rule, the adopted rules or subdivisions thereof which differ from the proposed rule are published along with a citation to the *State Register* publication of the proposed rule.

Pursuant to Minn. Stat. § 15.0412, subd. 5, temporary rules take effect upon approval of the Attorney General. As soon as practicable, notice of the Attorney General's decision and the adopted temporary rule are published in the *State Register*, as provided for adopted rules. Temporary rules are effective for only 90 days and may be reissued for 90 days.

Office of the State Treasurer Adopted Temporary Rules Governing the Minnesota Unclaimed Property Act (Continued)

The following temporary rules have been in effect since November 1, 1977. They are being published as a continuance pursuant to Minn. Stat. § 15.0412, subd. 5.

Chapter One: General

TRE 1 Purpose. The rules and regulations contained in this subchapter are for the purpose of implementing provisions of the Unclaimed Property Law.

TRE 2 Service Charges. The term "service charges" means any type of charge deducted by a holder (as defined in subdivision 5 of Minn. Stat. § 345.31) from property subject to the Uniform Disposition of Unclaimed Property Act (Minn. Stat. §§ 345.31-345.60 inclusive, Laws of 1977, ch. 137), including, but not limited to charges im-

TRE 7

posed by virtue of the inactivity, dormancy, or abandonment of property such as service charges, handling charges, and administrative costs.

TRE 3 Property. The term "property" means any property that is reportable to the State Treasurer under the Uniform Disposition of Unclaimed Property Act, or would be reportable if service charges had not been deducted therefrom.

TRE 4 Inactivity. The term "inactivity" means non-occurrence of any of the events or acts described in (1), (2), (3), (4) or (5) of Minn. Stat. § 345.32(a) or (1), (2), (3), or (4) of Minn. Stat. § 345.32(b).

TRE 5 Deducted. The term "deducted" shall also be deemed to mean "excluding".

Chapter Two: Service Charges Lawfully Withheld

TRE 6 Authority for service charges. Service charges shall not be deducted from property unless:

A. Expressly permitted by provisions of the Uniform Disposition of Unclaimed Property Act; and

B. Authorized by a statute other than the Uniform Disposition of Unclaimed Property Act or by a valid, enforceable contract which expressly provides for such charges and the terms of which are not inconsistent with the provisions of the Uniform Disposition of Unclaimed Property Act.

TRE 7 Contracted service charges. For purposes of Minn. Stat. §§ 345.32(a), (b), and (c), 345.34, 345.39 and rule TRE 6 #B hereof, an agreement in order to constitute a "contracted service charge", "charges that may lawfully be withheld", or "valid enforceable contract" must satisfy the following conditions:

A. The agreement must be in writing and executed by the customer.

B. The agreement shall expressly provide on the face thereof the specific amount or method by which such service charges shall be calculated

KEY: Existing rules are printed in standard type face, with ~~strike outs~~ to indicate deleted language and underlining to indicate new language. Strike outs and underlining in proposed rules indicate changes from original to proposed new language. Strike outs and underlining in adopted rules indicate changes from proposed to adopted language.

RULES

TRE 7

and in no event shall the terms thereof be unreasonable or unconscionable.

- C. Any modification or supplement, or amendment to an agreement otherwise satisfying these regulations must be assented to in writing by the customer.
- D. Such agreement shall otherwise comply with all Minnesota Statutes and Federal Statutes and regulations to which holders are subject.

TRE 8 The provision "excluding contracted service charges which may be deducted for a period not to exceed one year" set forth in § 345.32(a), (b) and (c) shall apply to all contracts entered into on or after July 1, 1977 and to all contracts entered into prior to July 1, 1977, the service charge provisions of which are amended subsequent to July 1, 1977.

TRE 9 Substantiation of deductions. If service charges are deducted from property, a holder shall include or attach as part of the report filed pursuant to Minn. Stat. § 345.41:

- A. The citation of the statute or a copy of the form of contract authorizing such service charges.
- B. The value or amount of each item of property, before any service charges are deducted therefrom.
- C. The amount of service charges deducted from each item and the date or dates on which such service charges were deducted.
- D. Such other information or documentation as the State Treasurer may reasonably require to substantiate the deduction of service charges. Such documentation may include correspondence with customer, passbook provisions, signature card, rules and regulations, by-laws, and any other documentations concerning any agreement between the bank and the customer.

TRE 10 Waiver or non-enforcement of right. Service charges may not be deducted from property pursuant to a contract or statute if the holder would not have deducted such charges in the event the property has been claimed by the owner prior to being reported or remitted to the State Treasurer.

Chapter Three: Interest or Dividends

TRE 11 Authority for discontinuance. If payment of

interest or dividends on property subject to Minn. Stat. §§ 345.32 (a) and (b) is discontinued at any time during the period of inactivity, the holder shall include or attach as part of the report filed pursuant to Minn. Stat. § 345.41:

- A. A copy of the form of a valid, enforceable contract which authorized such discontinuance of payment of interest or dividends; or
- B. The citation of the statute which authorized such discontinuance of payment of interest or dividends.

TRE 12 Non-Enforcement of right. A contract or statute shall not be considered as authorizing discontinuance of payment of interest or dividends if such payment would not have been discontinued, or would otherwise have accrued to the benefit of the owner, in the event the property had been claimed by the owner prior to being reported or remitted to the State Treasurer.

Chapter Four: Miscellaneous

TRE 13 Escheat period. The provisions of Minn. Stat. § 345.32 (a) (4) and (5) and (b) (4) are effective as of July 1, 1977. Unless such sections are satisfied subsequent to said date the property shall be reportable to the State Treasurer.

TRE 14 Receipt of statement. For purposes of Minn. Stat. §§ 345.32 (a) (4) and (b) (4), a tax report or regular statement of deposit shall be deemed to be "the statement" referred to in said sections.

TRE 15 Negative property report. A holder who has no property which is reportable pursuant to the Uniform Disposition of Unclaimed Property Act shall report that fact if so requested in writing by the State Treasurer.

Energy Agency

Adopted Rules Governing Contents of Applications for Certificates of Need and Criteria for Assessment of Need for Large Electric Generating Facilities and Large High Voltage Transmission Lines

Chapter Six: EA 601 ~~638~~ 641

EA 601 Definitions. For purposes of these rules, the following definitions shall apply:

RULES

EA 601

A. "Adjusted Net Demand" means system demand, minus firm purchases, plus firm sales;

B. "Adjusted Net Capability" means net generating capacity, minus participation sales, plus participation purchases;

C. "Agency" means the Minnesota Energy Agency;

D. "Annual Adjusted Net Demand" means annual system demand, minus firm purchases, plus firm sales;

E. "Annual Electrical Consumption" means sales of kilowatt-hours of electricity to ultimate consumers over a twelve-month period beginning January 1 and ending December 31 of the forecast year;

F. "Annual System Demand" means the highest system demand occurring during the twelve-month period beginning May 1 of the forecast year;

G. "Director" means the director of the Minnesota Energy Agency;

H. "Firm Purchases" and "Firm Sales" mean the amount of power to be purchased or sold which is intended to have assured availability;

I. "Forecast Years" means the 26 calendar years consisting of the calendar year the application is filed with the Agency, the ten previous calendar years, and the fifteen subsequent calendar years;

J. "Heat Rate" means a measure of average thermal efficiency of an electric generating facility expressed as the ratio of input energy per net kilowatt-hour produced, computed by dividing the total energy content of fuel burned for electricity generation by the resulting net kilowatt-hour generation;

K. "Large Electric Generating Facility (LEGF)" means any electric power generating ~~plant~~ unit or combination of ~~plants~~ units at a single site and associated facilities designed for or capable of operation at a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977, pursuant to Minn. Reg. APC 3(a);

L. "Large High Voltage Transmission Line (LHVTL)" means a conductor of electrical energy and associated

facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more with more than 50 miles (80.4 kilometres) of its length in Minnesota, or at a nominal voltage of 300 kilovolts or more with more than 25 miles (40.2 kilometres) of its length in Minnesota. Associated facilities shall include, but not be limited to, insulators, towers, and substations and terminals operating at the nominal voltage;

M. "Load Center" means that portion or those portions of a utility's system where electrical energy demand is concentrated;

N. "Load Factor" means the ratio of the average load in kilowatts supplied during a designated period to the maximum load in Kilowatts that was supplied during that designated period;

O. "Minnesota Service Area" means that portion of a utility's system lying within Minnesota;

P. "Net Generating Capacity" means the total number of kilowatts, less station use, that all the generating facilities of a system could supply at the time of its maximum system demand. The capability of the generating units which are temporarily out of service for maintenance or repair shall be included in the net generating capacity;

Q. "Net Reserve Capacity Obligation" means the annual adjusted net demand multiplied by the percent reserve capacity requirement;

R. "Participation Power" means power and energy which are sold from a specific generating unit or units for a period of six or more months on a continuously available basis (except when such unit or units are temporarily out of service for maintenance during which time the delivery of energy from other generating units is at the seller's option);

S. "Participation Purchases" and "Participation Sales" mean purchases and sales under a participation power agreement or a seasonal participation power agreement;

T. "Peak Demand" means the highest system demand occurring within any designated period of time;

U. "Promotional Practices" means any actions or policies by an applicant, except those actions or policies which are permitted or mandated by statute or rule, which directly or indirectly give rise to the demand for the facility

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including, but not limited to, advertising, billing practices, promotion of increased use of electrical energy, and other marketing activities.

⊖ V. "Seasonal Adjusted Net Demand" means seasonal system demand, minus firm purchases, plus firm sales;

∨ W. "Seasonal Participation Power" means participation power sold and bought on a seasonal (summer or winter) basis;

⊘ X. "Seasonal System Demand" means the maximum system demand on the applicant's system which occurs or is expected to occur in any ~~normal six~~ summer season months or ~~six~~ winter season months;

⊗ Y. "Summer Season" means the period from May 1 through October 31;

∧ Z. "System" means the ~~geographic~~ service area where the utility's ultimate consumers are located and that combination of generating, transmission, and distribution facilities which makes up the operating physical plant of the utility, whether owned or nonowned, for the delivery of electrical energy to ultimate consumers;

∩ AA. "System Demand" means the number of kilowatts which is equal to the kilowatt-hours required in any clock hour, attributable to energy required by the system during such hour for supply of firm energy to ultimate consumers, including system losses, and also including any transmission losses occurring on other systems and supplied by the system for transmission of firm energy, but excluding generating station uses and excluding transmission losses charged to another system;

∩ BB. "Ultimate Consumers" means consumers purchasing electricity for their own use and not for resale;

∩ CC. "Utility" means any entity engaged in the generation, transmission or distribution of electrical energy, including but not limited to a private investor-owned utility or a public or municipally-owned utility; and

∩ DD. "Winter Season" means the period from November 1 through April 30.

EA 602 Purpose of Rules. The purpose of these rules is to specify the content of applications for certificates of need and to specify criteria for the assessment of need for large electric generating facilities and large high voltage transmission lines. In accordance with Minn. Stat. § 116H.13 subd. 2, no LEGF or LHVTL shall be sited or constructed in Minnesota without the issuance of a certificate of need by

the director pursuant to Minn. Stat. §§ 116H.01 through 116H.15 and consistent with the criteria for assessment of need.

EA 603 Applicability of Rules. Each person applying for a certificate of need for an LEGF or an LHVTL shall provide all information required by these rules. A certificate of need is required for each new LEGF, each new LHVTL, and for each expansion of either such facility, which expansion is itself of sufficient size to come within the definition in either rule EA 601 J. K. or rule EA 601 L.

EA 604 Application Procedures and Timing.

A. Each applicant for a certificate of need shall apply in a form and manner prescribed by the director.

B. A minimum of fifty (50) bound copies and one (1) unbound copy of the application ~~must~~ shall be filed with the director. The director may require additional bound copies, not to exceed 100 bound copies total. All documents, forms, and schedules filed with the application ~~must~~ shall be typed on 8½"×11" paper except for drawings, maps, and similar materials. ~~The date of preparation and the applicant's name shall appear on each page of the application, as well as on each document filed with the application.~~ Each application shall contain a title page and a complete table of contents which includes the applicable rule by the titles and numbers given in these rules. The date of preparation and the applicant's name shall appear on the title page, as well as on each document filed with the application.

C. Subsequent to the filing of an application, any changes or corrections to the application shall comply with rule EA 604 B, as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the revision was made. The original copy of the changes or corrections shall be filed with the hearing examiner, and the remaining copies shall be submitted to the director.

D. Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested; and the number of copies of the application filed; ~~and the rules and subdivisions thereof to which the applicant has responded.~~

E. A hearing examiner shall be ~~appointed~~ assigned, and a public hearing shall be scheduled to commence no later than eighty days after the receipt of the application, in accordance with Minnesota Energy Agency Rules of Procedure Governing Certificate of Need Program, Minn. Regs. EA 500 et seq., and the Hearing Examiner Rules for Contested Case Procedures, Minn. Regs. HE 201 et seq.

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F. A decision on an application for a certificate of need shall be made by the director no later than six months from the receipt of the application, provided that the application as received is substantially complete.

G. The director shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct any deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of resubmission, assuming it is then substantially complete.

H. Prior to the submission of an application, a person may be exempted from any data requirement of these rules upon a written request to the director for exemption from specified rules and a showing by that person in the request that the data requirement 1) is unnecessary to determine the need for the proposed facility or 2) may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The director shall respond in writing to each such request within 15 days of receipt including reasons for ~~his~~ the decision. The director shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.

EA 605 Filing fees and payment schedule.

A. The fee for processing an application shall be:

A 1. \$10,000 plus \$50 for each megawatt of plant capacity for LEGF's; or

B 2. \$10,000 plus \$40 per kilovolt of ~~rated capacity~~ design voltage for LHVTL's;

plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility. In no event shall the total fee required of any applicant exceed \$50,000.

B. Twenty-five percent of the fee set according to either item A 1 or A 2 of rule EA 605 shall accompany the application, and the balance shall be paid in three equal installments within 45, 90, and 135 days after submission of the application. The applicant shall be notified prior to the time its application is acted upon by the director of any additional fees, which fees shall be paid within 30 days of notification. The billing of such additional fees shall be accompanied by an itemized document showing the necessity for the additional assessment.

C. No certificate of need shall be issued until all fees are paid in full.

EA 611 Criteria for assessment of need.

A. Purpose of the criteria. The criteria for assessment of need shall be used by the director in the determination of the need for a proposed large energy facility pursuant to Minn. Stat. §§ 116H.01 through 116H.15. The factors listed under each of the criteria ~~below~~, set forth herein at rule EA 611 C shall be evaluated to the extent that the director deems them applicable and pertinent to each facility proposed pursuant to these rules. The director shall make a specific written finding with respect to each of the criteria.

B. Consideration of Alternatives. The director shall consider only those alternatives proposed before the close of the public hearing and for which there exists substantial evidence on the record with respect to each of the criteria listed in rule EA 611 C.

~~B C.~~ Criteria. A certificate of need shall be granted to the applicant if it is determined that:

1. The probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states, ~~in making this determination, the director shall~~ considering:
 - a. the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;
 - b. the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;
 - c. the effects of promotional practices of the applicant which may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;
 - d. the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and
 - e. the effect of the proposed facility, or a suitable

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ble modification thereof, in making more efficient use resources;

2. a more reasonable and prudent alternative to the proposed facility has not been demonstrated. ~~In making this determination, the following factors shall be~~ by a preponderance of evidence on the record by parties or persons other than the applicant, considereding:

- a. the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;
- b. the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;
- c. the ~~impact~~ effects of the proposed facility upon the natural and socioeconomic environments compared to the ~~impacts~~ effects of reasonable alternatives; and
- d. the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;

3. it has been demonstrated by a preponderance of the evidence on the record that the consequences of granting the certificate of need are more favorable than the consequences of denying the certificate the proposed facility, or a suitable modification thereof, will provide benefits to society in a manner compatible with protection of the natural and socioeconomic environments, including human health, considering:

- a. the relationship of the proposed facility, or a suitable modification thereof, to overall state energy needs;
- b. the impact effects of the proposed facility, or a suitable modification thereof, upon the natural and socio-economic environments compared to the ~~impact~~ effects of not building the facility;
- c. the effects of the proposed facility, or a suitable modification thereof, in inducing future development; and
- d. the socially beneficial uses of the output of the proposed facility, or a suitable modification

thereof, including its uses to protect or enhance environmental quality;

and that

4. it has not been demonstrated on the record that the design, construction or operation of the proposed facility will fail to comply with those relevant policies, rules and regulations of other state and federal agencies and local governments ~~which have been considered during the hearing process.~~

EA 631 Contents of application. A. Large electric generating facilities. Each application for a certificate of need for an LEGF shall include all of the information required by rules EA 632, 633, and 635-639.

B. Large high voltage transmission lines. Each application for a certificate of need for an LHVTL shall include all of the information required by rules EA 632 and 634-639. If, however, a proposed LHVTL is designed to deliver electric power to a particular load center within the applicant's system, the application shall contain the information required by rule EA 635 for that load center rather than for the system as a whole.

C. Joint ownership and multi-party use. If the proposed LEGF or LHVTL is to be owned jointly by two or more utilities or by a pool, all information required by rules EA 632, 635-637 and 639 shall be provided by each joint owner for its system. If the facility is designed to meet the long-term needs (in excess of 50 megawatts) of a particular utility which is not to be an owner, that utility shall also provide all information required by rules EA 632, 635-637 and 639.

EA 632 Need summary and additional considerations.

A. Need summary. Each application shall contain a summary of the major factors which justify the need for the proposed facility. This summary shall not exceed, without the approval of the director, 15 pages in length, including text, tables, graphs and figures.

B. Additional considerations. Each application shall contain an explanation of the relationship of the proposed facility to each of the following socioeconomic considerations:

1. socially beneficial uses of the output of the facility, including its uses to protect or enhance environmental quality;
2. promotional activities which may have given rise to the demand for the facility; and
3. the effects of the facility in inducing future development.

EA 633 Description of proposed large electric generating

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facility and alternatives. Each application for a proposed LEGF shall include the following information:

- A. a description of the ~~type~~ of facility, including:
1. a description of the generating capacity of the facility, which includes a discussion of the effect of the economies of scale on the facility size and timing;
 2. a description of the anticipated operating cycle, including the expected annual capacity factor;
 3. the type of fuel used, including:
 - a. the reason for the choice of fuel;
 - b. projection of the availability of this fuel type over the projected life of the facility; and
 - c. alternate fuels, if any; ~~and~~
 4. the anticipated heat rate of the facility; and
 5. to the fullest extent known to the applicant, the anticipated areas where the proposed facility could be located;

B. a discussion of the availability of alternatives to the facility, including but not limited to:

1. purchased power;
2. increased efficiency of existing facilities, including transmission lines;
3. new transmission lines; ~~and~~.
4. new generating facilities of a different size or using a different energy source (fuel oil, natural gas, coal, nuclear fission, and the emergent technologies); and
5. any reasonable combinations of the alternatives listed in rule EA 633 B.1. through 4;

C. for the proposed facility and for each of the alternatives provided in response to rule EA 633 B. that could provide electric power at the asserted level of need, a discussion of:

1. its capacity cost in current dollars per kilowatt;

2. its service life;
3. its estimated average annual availability;
4. its variable operating and maintenance costs in current dollars per kilowatt-hour;
5. the total cost in current dollars of a kilowatt-hour provided by it; ~~and~~
6. its efficiency, expressed for a generating facility as the estimated heat rate, or expressed for a transmission facility as the estimated losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or substations; and

6 7. any major assumptions made in providing the information in items 1. through ~~5-~~ 6. of rule EA 633 C. ~~above;~~

D. a map (of appropriate scale) showing the applicant's system; and

E. such other information about the proposed facility and each alternative as may be relevant to determination of need.

EA 634 Description of proposed large high voltage transmission line and alternatives. Each application for a proposed LHVTL shall include the following information:

A. a description of the type and general location of the proposed line, including:

1. the design voltage;
2. the number, the size(s) and the type(s) of conductor(s);
3. the expected losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or substations;
4. the approximate length of the proposed transmission line and the portion of that length in Minnesota; ~~and~~
5. the approximate location of DC terminals or AC

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substations, which information shall be on a map of appropriate scale; and

6. a list of all counties reasonably likely to be affected by construction and installation of the proposed line;

B. a discussion of the availability of alternatives to the facility, including but not limited to:

1. new generation;
2. upgrading of existing transmission lines or existing generating facilities;
3. transmission lines with different design voltages or with different numbers, sizes and types of conductors;
4. transmission lines with different terminals or substations;
5. double circuiting of existing transmission lines;
6. if the proposed facility is for DC (AC) transmission, an AC (DC) transmission line; ~~and~~
7. if the proposed facility is for overhead (underground) transmission, an underground (overhead) transmission line; and
8. any reasonable combinations of the alternatives listed in rule EA 634 B.1. through 7;

C. for the proposed facility and for each of the alternatives provided in response to rule EA 634 B. that could provide electric power at the asserted level of need, a discussion of:

1. its total cost in current dollars;
2. its service life;
3. its estimated average annual availability;
4. its estimated annual operating and maintenance costs in current dollars; ~~and~~
5. its efficiency, expressed for a transmission facility as the estimated losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or

substations, or expressed for a generating facility as the estimated heat rate; and

- 5 6. any major assumptions made in providing the information in items 1. through 4. 5. of rule EA 634 C. ~~above;~~

D. a map (of appropriate scale) showing the applicant's system or load center to be served by the proposed LHVTL; and

E. such other information about the proposed facility and each alternative as may be relevant to determination of need.

EA 635 Peak demand and annual electrical consumption forecast.

A. Scope. Each application shall contain pertinent data concerning peak demand and annual electrical consumption within the applicant's service area and system, as provided in rule EA 631, including but not limited to the data requested in subsection B. of rule EA 635. When recorded data is not available, or when the applicant does not use the required data in preparing its own forecast, the applicant shall use an estimate and indicate in the forecast justification section (EA 635 C.) the procedure(s) used in deriving the estimate. The application shall clearly indicate which data are historical and which are projected. It is expected that data provided by the applicant should be reasonable and internally consistent.

B. Content of forecast. For each forecast year, the following data shall be provided:

1. when the applicant's service area includes areas other than Minnesota, annual electrical consumption by ultimate consumers within the applicant's Minnesota service area;
2. for each of the following categories, estimates of the number of ultimate consumers within the applicant's system and annual electrical consumption by those consumers:
 - a. farm, excluding irrigation and drainage pumping (for reporting purposes, any tract of land used primarily for agricultural purposes shall be considered farm land);
 - b. irrigation and drainage pumping;
 - c. nonfarm residential (when electricity is supplied through a single meter for both residential and commercial uses, it shall be reported according to its principal use, and

apartment buildings shall be reported as residential even if not separately metered);

- d. commercial (this category shall include wholesale and retail trade; communication industries; public and private office buildings, banks, and dormitories; insurance, real estate and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; recreational, social, religious, and amusement facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; electric, gas, water and water pumping, excluding water pumping for irrigation, and other utilities);
 - e. mining;
 - f. industrial (this category shall include all manufacturing industries, construction operations and petroleum refineries);
 - g. street and highway lighting;
 - h. electrified transportation (this category shall include energy supplied for the propulsion of vehicles, but shall not include energy supplied for office buildings, depots, signal lights or other associated facilities which shall be reported as commercial or industrial);
 - i. other (this category shall include municipal water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases, and all other consumers not reported in categories a. through h.); and
 - j. the sum of categories a. through i;
3. an estimate of the demand for power in the applicant's system at the time of annual system peak demand, including an estimated breakdown of the demand into the consumer categories listed in rule EA 635 B.2;
 4. the applicant's system peak demand by month; ~~and~~
 5. the estimated annual revenue requirement per kilowatt-hour; and

5 6. The applicant's ~~monthly~~ system weekday load factor by month.

C. Forecast justification.

1. Forecast methodology. Each applicant may use a forecast methodology of its own choosing, with due consideration given to cost, manpower requirements and data availability. However, any forecast data provided by the applicant shall be subject to tests of accuracy, reasonableness and consistency. The applicant shall detail the forecast methodology employed to obtain the forecasts provided under section B. of rule EA 635, including:
 - a. the overall methodological framework which is used;
 - b. the specific analytical techniques which are used, their purpose, and the component(s) of the forecast to which they have been applied;
 - c. the manner in which these specific techniques are related in producing the forecast;
 - d. where statistical techniques have been used:
 - (1) the purpose of the technique;
 - (2) typical computations (e.g., computer printouts, formulas used), specifying variables and data; and
 - (3) the results of appropriate statistical tests;
 - e. forecast confidence levels or ranges of accuracy for annual peak demand and annual electrical consumption, as well as a description of their derivation;
 - f. a brief analysis of the methodology used, including:
 - (1) its strength and weaknesses;
 - (2) its suitability to the system;
 - (3) cost considerations;
 - (4) data requirements;

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- (5) past accuracy; and
- (6) other factors considered significant by the applicant; and
- g. an explanation of any discrepancies which appear between the forecasts presented in the application and the forecasts submitted to the Agency under Minn. Regs. EA 201 et seq. or in the applicant's previous certificate of need proceedings.

2. Data base for forecasts. The applicant shall discuss the data base used in arriving at the forecast presented in its application, including;

- a. a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how each was obtained, (e.g., monthly observations, billing data, consumer survey, etc.) or a citation to the source (e.g., population projection from the state demographer's office);
- b. a clear identification of any adjustments made to raw data in order to adapt them for use in forecasts, including:

- (1) the nature of the adjustment;
- (2) the reason for the adjustment; and
- (3) the magnitude of the adjustment.

The applicant shall provide to the director or the hearing examiner on demand copies of all data sets used in making the forecasts, including both raw and adjusted data, input and output data.

3. Assumptions and special information.

- a. Discussion. The applicant shall discuss each essential assumption made in preparing the forecast, including:
 - (1) the need for the assumption;
 - (2) the nature of the assumption; and
 - (3) the sensitivity of forecast results to variations in the essential assumptions.
- b. Subject of assumption. The applicant shall discuss the assumptions made regarding:

- (1) the availability of alternate sources of energy;
- (2) the expected conversion from other fuels to electricity or vice versa;
- (3) future prices of electricity for customers in the applicant's system and the effect that such price changes will likely have on the applicant's system demand;
- (4) the assumptions made in arriving at any data requested in rule EA 635 B which is not available historically or not generated by the applicant in preparing its own internal forecast;
- (5) the effect of existing energy conservation programs under federal or state legislation on long-term electrical demand; and
- (6) any other factor considered by the applicant in preparing the forecast.

4. Coordination of forecasts with other systems. The applicant shall provide:

- a. a description of the extent to which the applicant coordinates its load forecasts with those of other systems, such as neighboring systems and associate systems in a power pool or coordinating organization; and
- b. a description of the manner in which such forecasts are coordinated, and any problems experienced in efforts to coordinate load forecasts.

EA 636 System capacity. The applicant shall describe the ability of its existing system to meet the demand for electrical energy forecast in response to rule EA 635 and the extent to which the proposed facility will increase this capability. In preparing this description, the applicant shall present the following information:

A. a brief discussion of power planning programs, including criteria, applied to the applicant's system and to the power pool or area within which the applicant's planning studies are based;

B. the applicant's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for each of the forecast years;

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C. the applicant's seasonal participation purchases and seasonal participation sales for each utility involved in each transaction for each of the forecast years;

D. for the summer season and for the winter season corresponding to each forecast year, the load and generation capacity data requested in items 1. through 13. below, including all anticipated purchases, sales, capacity retirements and capacity additions, except those which depend on certificates of need not yet issued by the Agency:

1. seasonal system demand;
2. annual system demand;
3. total seasonal firm purchases;
4. total seasonal firm sales;
5. seasonal adjusted net demand (1 - 3 + 4);
6. annual adjusted net demand (2 - 3 + 4);
7. net generating capacity;
8. total participation purchases;
9. total participation sales;
10. adjusted net capability (7 + 8 - 9);
11. net reserve capacity obligation;
12. total firm capacity obligation (5 + 11); and
13. surplus or deficit (-) capacity (10 - 12);

E. for the summer season and for the winter season corresponding to each forecast year subsequent to the year of application, the load and generation capacity data requested in items 1. through 13. of rule EA 636 D, including purchases, sales and generating capability contingent on the proposed facility;

F. for the summer season and for the winter season corresponding to each forecast year subsequent to the year of application, the load and generation capacity data requested in items 1. through 13. of rule EA 636 D, including all projected purchases, sales and generating capability;

G. for each of the forecast years subsequent to the year of application, a list of proposed additions and retirements

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in net generating capability, including the probable date of application for any addition which is expected to require a certificate of need;

H. for the previous calendar year, the current year, the first full calendar year before the proposed facility is expected to be in operation and the first full calendar year of operation of the proposed facility, a graph of monthly adjusted net demand and monthly adjusted net capability, as well as a plot on the same graph of the difference between the adjusted net capability and actual, planned, or estimated maintenance outages of generation and transmission facilities; and

I. a discussion of the appropriateness of and the method of determining system reserve margins, considering the probability of forced outages of generating units, deviation from load forecasts, scheduled maintenance outages of generation and transmission facilities, power exchange arrangements as they affect reserve requirements, and transfer capabilities.

EA 637 Conservation programs. Each application shall include the following information:

A. the name of the energy committee, department or individual responsible for the applicant's energy conservation and efficiency programs;

B. a list of the applicant's energy conservation and energy efficiency goals and objectives;

C. a description of the specific energy conservation and efficiency programs the applicant has considered, ~~and~~ a list of those which have been implemented, and the reasons why the other programs have not been implemented;

D. a description of the major accomplishments which have been made by the applicant with respect to energy conservation ~~or~~ energy and efficiency;

E. a description of the applicant's future plans through the forecast years with respect to energy conservation and energy efficiency; and

F. a quantification of the manner by which these programs affect or help determine the forecast provided in response to rule EA 635 B, a list of their total costs by program, and a discussion of their expected effects in reducing the need for new generating facilities.

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EA 638 Environmental data. Each applicant shall provide environmental data for the proposed facility and for each alternative considered in detail in response to rule EA 633 C. or rule EA 634 C. Information relating to construction and operation of each of these alternatives shall be provided as indicated below, to the extent that such information is reasonably available to the applicant and applicable to the particular alternative. Where appropriate, the applicant shall submit data for a range of locations in the state, and a range of possible facility designs. Major assumptions should be stated, and references should be cited where appropriate.

A. Generating facilities. The applicant shall provide the following information for each alternative which would involve construction of an LEGF:

1. the amount of land required by the facility for different designs and topography the estimated range of land requirements for the facility with a discussion of assumptions on land requirements for water storage, cooling systems and solid waste storage;
2. the estimated amount of vehicular, rail and barge traffic generated by construction and operation of the facility;
3. for fossil-fueled facilities:
 - a. the expected regional sources(s) of fuel for the facility;
 - b. the ~~maximum and~~ typical fuel requirement (in tons per hour, gallons per hour, or thousand cubic feet per hour) during operation at rated capacity and the expected annual fuel requirement at the expected capacity factor;
 - c. the expected rate of heat input for the facility in Btu per hour during operation at rated capacity; e d. the expected typical range of the heat value of the fuel (in Btu per pound, Btu per gallon or Btu per thousand cubic feet) and the typical average heat value of the fuel; and
 - e. ~~the expected content~~ typical ranges of sulfur, ash and moisture in content of the fuel;
4. for fossil-fueled facilities:
 - a. the estimated range of trace element emissions and the maximum and typical emissions of sulfur dioxide, nitrogen oxides, and particulates and trace elements in pounds per hour during operation at rated capacity; and
 - b. the estimated range of amximum contributions to 24-hour average ground-level concentrations at specified distances from the stack described as isopleths of sulfur dioxide, nitrogen oxides and particulates in micrograms per cubic meter during operation at rated capacity and assuming generalized worst-case meteorological conditions;
5. ~~the maximum water use by the facility during operation at rated capacity for alternate cooling systems, in cubic feet per second for appropriation from ground-water, appropriation from surface water, and consumptive losses including:~~
 - a. the estimated maximum use, including the groundwater pumping rate in gallons per minute and surface water appropriation in cubic feet per second;
 - b. the estimated groundwater appropriation in million gallons per year; and
 - c. the estimated annual consumption in acre-feet;
6. the potential sources and types of discharges to water attributable to operation of the facility;
7. radioactive releases, including:
 - a. for nuclear facilities, the expected typical types and amounts of radionuclides released by the facility in curies per year for alternate facility designs and levels of waste treatment; and
 - b. for fossil-fueled facilities, the estimated range of radioactivity released by the facility in curies per year;
8. the potential types and quantities of solid wastes produced by the facility in tons per year at the expected capacity factor;
9. the potential sources and ~~levels~~ types of audible noise attributable to operation of the facility;
10. ~~The peak and average~~ estimated work force required for construction and operation of the facility; and
11. ~~the minimum and the expected number~~ size of

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transmission facilities required by to provide a reliable outlet for the generating the facility; and

- ~~12. a description of equipment and measures that may be used to reduce the environmental impact of construction and operation of the facility.~~

B. Transmission facilities. The applicant shall provide data for each alternative that would involve construction of an LHVTL. The following information shall be included:

1. for each type of support structure that would be used for overhead transmission facilities:

- a. schematic diagrams which show the dimensions of the support structures and conductor configurations for each type of support structure that may be used;
- b. the strength of the electric field in kilovolts per meter (root mean square) described in isopleths for a plan view of a typical span between support structures at one meter above ground level; and a discussion of the strength and distribution of the electric field attributable to the transmission facility, including the contribution of air ions if appropriate;
- e. the strength of the electric field in kilovolts per meter (roots mean square) described in isopleths for an elevation view from the ground to the conductors for the width of the right of way at the point of maximum conductor sag;

- ~~2. for overhead transmission facilities:~~

- ~~a. c. the typical levels a discussion of ozone and nitrogen oxides emissions attributable to the transmission facility; in parts per billion at ground level; and~~
- b d. a discussion of radio and television interference attributable to the transmission facility; and
- e. a discussion of the characteristics and estimated maximum and typical levels of audible noise attributable to the transmission facilities;

- 3 2. for underground transmission facilities:

- a. the types and dimensions of the cable systems and associated facilities that would be used;
- b. the types and quantities of materials required for the cable system, including materials required for insulation and cooling of the cable; and
- c. the amount of heat released by the cable system in kilowatts per meter of cable length;

- 4 ~~3.~~ the estimated width of the right-of-way required for the transmission facility;

- ~~5. the maximum and typical levels of audible noise in decibels (A scale) attributable to the transmission facility at the edge of the right-of-way.~~

- 6 ~~4.~~ a description of construction practices for the transmission facility;

- 7 ~~5.~~ a description of operation and maintenance practices for the transmission facility;

- 8 ~~6.~~ the peak and average estimated work force required for construction and for operation and maintenance of the transmission facility; and

- 9 ~~7.~~ a narrative description of the major features of the region between the endpoints of the transmission facility. The region shall encompass the likely area for routes between the endpoints. The description should emphasize the area within three miles of the endpoints. The following information shall be described where applicable:

- a. hydrologic features including lakes, rivers, streams and wetlands;
- b. natural vegetation and associated wildlife;
- c. physiographic regions; and
- d. land-use types, including human settlement, recreation, agricultural production, forestry production, and mineral extraction.

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C. The alternative of no facility. The applicant shall provide the following information for the alternative of no facility:

1. a description of the expected operation of existing and ~~planned~~ committed generating and transmission facilities;
2. a description of the changes in resource requirements and wastes produced by facilities discussed in response to rule EA 638 C. 1, including:
 - a. the amount of land required;
 - b. induced traffic;
 - c. fuel requirements;
 - d. airborne emissions;
 - e. water appropriation and consumption;
 - f. discharges to water;
 - g. reject heat;
 - h. radioactive releases;
 - i. solid waste production;
 - j. audible noise; and
 - k. labor requirements; and
3. a description of equipment and measures that may be used to reduce the environmental impact of the alternative of no facility.

EA 639 Consequences of delay. The applicant shall present a discussion of anticipated consequences to its system, neighboring systems, and the power pool should the proposed facility be delayed one, two and three years or postponed indefinitely.

EA 641 Certificate of need modifications. A. Issuance of a certificate of need may be made contingent upon modifications required by the director. When ~~the director denies~~ an application is denied, ~~he~~ the director shall state the reason(s) for the ~~refusal~~ denial.

B. Applications for changes in in-service date for large generation and transmission facilities previously certified shall conform to the following:

1. If an applicant determines that a change in the in-service date is necessary for a large generation or transmission facility previously certified by the director, it shall inform the director of the desired change of date for in-service operation, accompanied by a written statement detailing the reasons for the proposed change. The director shall evaluate these reasons and, within 45 days of receipt of said application, notify the applicant if the proposed change of in-service date is acceptable.
2. Delays in the in-service date of large generation or transmission facilities previously certified by the director for up to one year are not subject to review by the director. The applicant shall inform the director as soon as ~~he~~ it determines that a delay is imminent, accompanied by a written statement detailing the reasons for such delay.

C. Small additions and subtractions to generating plant capacity and transmission line length shall conform to the following:

1. Power plant capacity additions and subtractions less than 50 megawatts from the capacity approved in a certificate of need issued by the director shall not require recertification.

2. Large transmission line length modifications shall conform to the following:

~~2 a.~~ Large transmission line length additions or subtractions made as a result of the route length approved by the Minnesota Environmental Quality Board (hereinafter "MEQB") for projects previously certified shall not require recertification.

b. if a utility applies to the MEQB for a transmission line route which is not expected to meet the definition of LHVTL in rule EA 601 L, but at some time in the routing process it becomes apparent that the MEQB may approve a route that meets the definition, the utility may apply for a certificate of need as soon as possible after that time. The length of a route is determined by measuring the length of its center line.

D. When ~~the director approves~~ a certificate of need

is granted for the proposed facility application, or modification thereof, ~~he~~ the director shall state which fuel types are not permitted in supplying the additional generation capacity certified.

shall establish the cost-share rates for practices to be installed under the program, which shall not exceed the maximum rates established by the State Board. This decision shall be based on the following factors: They shall consider:

Soil and Water Conservation Board

Adopted Emergency Rules Governing Cost-Share Program

The rules which were published in the *State Register* on Monday, November 14, 1977 (2 S.R. 970) have been reviewed by the Attorney General, and are effective as published, with the following changes:

SWC 2 B. 2. The State Board shall review all district applications for cost-share funds with respect to the following criteria:

- a. ~~Priorities for the control of soil erosion and sediment.~~ Consistency of district priorities with Minn. Stat. ch. 40.
- b. Historical success of the district in applying soil and water conservation practices.
- c. Availability of cost-share funds from other sources.
- d. Readiness of the district to effectively utilize the funds.

SWC 2 B. 3. Following review, the State Board shall provide grants to the districts for the purpose of cost-sharing with land occupiers for the application of approved practices. ~~In addition to cost-share grants, the State Board may make grants to districts for administrative costs and to provide technical services necessary to carry out the design and application of the approved practices which are cost shared by the district.~~

SWC 3 B. 2. Prior to considering any applications from land occupiers for cost-share assistance, the District Board

- a. Advice of technical experts familiar with the district;
- b. Cost-share rates currently in effect under the Agricultural Conservation Program administered by the U.S. Agricultural Stabilization and Conservation Service and other assistance programs;
- c. District priorities as established in the districts' plans; and
- d. Cost-share funds available.

~~SWC 3 D. 7. Consideration shall be given to whether federal or other funds are available to supplement the costs of the project.~~

~~SWC 3 D. 8 7. The practice must comply with the specifications of the Field Office Technical Guide of the USDA-Soil Conservation Service as adopted by the Soil and Water Conservation District. Such specifications shall be subject to periodic review and revision by the Soil Conservation Service to reflect advancements in the "state of the art."~~

~~9. Such other criteria as deemed appropriate by the district board.~~

SWC 4 A. 4. Policies:

- a. Cost-sharing is authorized only on erosion control structures that provide for reduction of soil erosion or sediment pollution.
- b. Cost-sharing may be authorized for the installation of livestock watering facilities in conjunction with erosion control structures only if such facilities are necessary for the proper management and protection of the structure as determined by the district board.
- c. Cost-sharing may be authorized for permanent fencing of an erosion control structure as determined by the district board.

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SWC 4

d. Cost-sharing may be authorized for plantings and seeding required to stabilize the structure. ~~Consideration shall be given to~~ Whenever possible, the district board shall encourage the use of those species that provide wildlife habitat and visual enhancement.

e. Cost-sharing may be authorized for erosion control structures which provide multiple benefits ~~will be encouraged~~ provided the primary benefit is soil erosion and sediment control.

PROPOSED RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to 15.052, the *State Register* publishes notices of hearing on proposed new or amended rules, including the full text of the new or amended rules, including the full text of the new or amended rule proposed for adoption, at least 30 days before the date set for the hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4, an agency may, with approval of the chief hearing examiner, incorporate by reference into the text of a rule, provisions of federal law, or rule, or other material which are 3000 words or more in length or would require five or more pages of print in the *State Register* and which are conveniently available to interested persons.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend, or repeal a rule does not allow for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture Proposed Rules Governing Weather Modification

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Herbert Room of the Atwood Center, St. Cloud State University, St. Cloud, Minnesota on March 9, 1978, at 9:00 a.m.; and in Room 204 of the Lecture Center, Southwest State University, Marshall, Minnesota on March 9, 1978 at 2:00 p.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, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-8112 either before the hearing or after the hearing until the record is closed. The record will remain open for

five working days after the public hearings end or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

The proposed rules, if adopted, would establish licensing and permitting standards and procedures for weather modification operators, requirements for notification of proposed weather modification operations to county boards and the public, land content requirements for reports to be submitted by weather modification operators. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. § 42.04 (Supp. 1977). A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing, will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250.00 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 \$250.00 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Bill Walker
Commissioner of Agriculture

Rules as Proposed

Chapter Twenty-five: Weather Modification

3 MCAR § 1.0600 General.

A. Purpose and authority. The rules contained herein are adopted pursuant to Minn. Stat. ch. 42 (Laws of 1977, ch. 426) by the Commissioner of Agriculture to implement procedures and conditions for the licensing and permitting of weather modification operators and operations, criteria for

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PROPOSED RULES

3 MCAR § 1.0600

submission of operational reports, and financial liability limits. The procedures and criteria specified in these rules are in addition to those set forth in the Act itself. Any violation of these rules is a misdemeanor pursuant to Minn. Stat. § 42.12.

B. Definitions. For purposes of these rules, the following definitions, as well as those in the Act, shall apply:

1. "The Act" means Minn. Stat. §§ 42.01 through 42.14 (Supp. 1977);

2. "Operational area" means that geographic area and the atmosphere there above wherein a person or persons place or attempt to place any substance in the atmosphere or clouds within the atmosphere, for the purpose of producing, or attempting to produce, a certain modifying effect and the geographic area and the atmosphere there above wherein the weather is intended to be modified.

3. "Project office" means the Minnesota office of the person conducting weather modification activities in Minnesota.

4. "Managing agent" means that individual who shall be located in Minnesota during the duration of the operation and who shall directly supervise and/or conduct the weather modification activity in Minnesota.

§ 1.0601 Licensing.

A. Application for license. No person as defined in Minn. Stat. shall engage in any weather modification activity within the State of Minnesota without first obtaining a license as prescribed in the Act and these rules.

1. Application for license shall be made under oath on forms provided by the Commissioner. Such application shall contain, but shall not be limited to, the following:

a. Name, business address, and phone number of the applicant;

b. Name of the applicant's chief executive officer;

c. Name(s), business address(es), and phone number(s) of all the applicant's managing agents;

d. Project office address(es) and phone number(s);

e. A list of other states in which the applicant is currently licensed;

f. Documentary evidence demonstrating that the applicant meets the qualifications set forth in Minn. Stat. § 42.06;

g. A list of all adversary proceedings both pending and settled involving the applicant in any court or administrative agency; and,

h. The length of time applicant has been in the business of conducting weather modification activities.

2. All applicants shall comply with the requirements set forth by the Secretary of State for conducting business in the state.

3. The Commissioner may require an applicant additionally to demonstrate educational and experience qualifications by successful completion of a written and/or an oral examination.

4. Each application shall be accompanied by a fee of \$100 unless waived by the Commissioner.

B. Change of managing agent. The applicant or licensee shall notify the Commissioner of a change in the responsible personnel. The replacement must meet the same requirements as set forth in the Act and this rule for managing agent.

C. Licenses shall be valid for one year from the date of issuance.

D. Renewal shall be automatic upon the following conditions:

1. Receipt of a request for renewal by the licensee, including any changes from the original application;

2. Receipt of the \$100 license fee, if applicable;

3. Compliance with all the requirements necessary for issuance of an original license; and,

4. Verification by the Commissioner that evidence has not become available that would raise doubts as to the qualifications of the licensee.

§ 1.0602 Permits.

A. Application for permit. No person shall conduct any weather modification operation within the State of Minnesota without first obtaining a permit as prescribed in the Act and these rules. Each operation shall require a separate application and permit.

1. Application for permit shall be made under oath on forms provided by the Commissioner. Such application shall contain, but not be limited to:

a. Name, business address, and phone number of the applicant;

PROPOSED RULES

3 MCAR § 1.0602

- b. Name of the applicant's chief executive officer;
- c. Name, address, and phone number of the applicant's managing agent;
- d. Project office address and phone number;
- e. A description of the method to be used in placing the substance into the atmosphere or clouds within the atmosphere;
- f. Demonstration that the applicant and the applicant's managing agent, by his/her knowledge of meteorology, cloud physics, and field experience, has the qualifications to conduct a weather modification operation using the method by which the applicant plans to place the substance into the atmosphere or clouds within the atmosphere;
- g. The applicant's purpose and the anticipated effects of the operation; and,
- h. Information set forth in Minn. Sta. § 42.09, subd. 9.

2. Each application shall be accompanied by:

- a. A fee for \$100; and,
- b. Proof of notification of county boards and publication of "notice of intent" to engage in weather modification activities as required in sec. B. of this rule;
- c. Proof of financial responsibility demonstrating the applicant's ability to respond to damages for liability which might reasonably result from the operation for which the permit is sought. This proof shall be in the form of a liability insurance policy in the amount set by the Commissioner commensurate with the extent of the operation, the person's experience, and adequate protection for the public, or such other proof as the Commissioner may require;
- d. A copy of all contractual agreements, including all financial agreements; and,
- e. Copies of approval from the county boards of all counties required to give approval under Minn. Stat. § 42.05.

3. The applicant shall have filed in a timely manner all

reports and documents required under the Act or these rules for all previous operations.

B. Notice.

1. "Notice of Intent." Upon the filing of a permit application, the applicant shall publish a "notice of intent" to engage in weather modification activities in each county of which all or part may be within the proposed operational area. The "notice of intent" shall be published for a period of not less than two consecutive weeks in all "legal newspapers" and newspapers of general circulation in the area. In addition, the use of radio and television spot announcements shall be encouraged. The notice shall:

- a. Describe the proposed operation area;
- b. Describe the area which might reasonably be affected;
- c. Specify the period of operation which need not be continuous, including starting and ending dates;
- d. Describe the general method of operation;
- e. Describe the intended effect of the operation;
- f. State that complete details of the application for a permit will be available for examination in the Department of Agriculture;
- g. State that the Commissioner will receive written comments on the proposed operation for ten (10) days before determining whether to order and notice an informal hearing for the purpose of determining whether to issue a permit for the proposed operation; and,
- h. Contain other information prescribed by the Commissioner.

2. Notice of county boards. Upon the filing of a permit application, the applicant shall notify in writing the county board of each county of which all or part may be within the proposed operational area and counties contiguous thereto. Such notices shall include all information required on the permit application.

C. No applicant shall be granted a permit without first filing with the Commissioner resolutions from the county board of each county in the operational area approving such

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operation in or over their respective counties. Except under the provisions of Minn. Stat. § 42.09, subd. 4, the Commissioner may issue a permit only after a period of at least ten (10) days has transpired from the date that the notice requirements set forth in this rule have been met.

D. A permit may not be assigned or transferred by the holder.

E. The Commissioner may place or amend conditions and restrictions on any permit at any time necessary to protect the environment or the public health, welfare, or safety. Any revision in an existing permit shall be made only after proper notice and hearing pursuant to Minn. Stat. ch. 15, except as provided for in Minn. Stat. § 42.11, subd. 1 (b).

F. Before a permittee may modify the boundaries of a project for which a permit has previously been obtained, the permittee must make application to the Commissioner and meet the requirements set forth in 3 MCAR 1.0602 A-E.

G. The permit shall be valid for one year from the date of issuance or until the operation terminates, whichever first occurs.

H. Renewal. Permits may be renewed by the Commissioner upon the following conditions:

1. Receipt of a request for renewal by the permittee including any changes from the original permit;
2. Receipt of the \$100 permit fee; and,
3. The permittee meets all the requirements necessary for issuance of an original permit.

§ 1.0603 Reports.

A. All persons engaged in weather modification shall:

1. Maintain at their project office a current (within 24 hours) log of all operations. This log shall be available for inspection during normal working hours or at other reasonable hours by persons authorized by the Commissioner. The log shall include:

- a. Date of the operation;
- b. Location of the operation, including flight tracks;
- c. Type, rate, and amount of artificial cloud seeding material used;

d. Time during which each weather modification device was activated;

e. Total hours of operation of each unit of equipment; and,

f. Other information requested by the Commissioner.

2. File monthly with the Commissioner and with the county board of each county of which all or part may be within the operation area and counties contiguous thereto:

a. Reports of weather modification activities. Such reports shall be filed no later than the 15th day of the following month and shall contain a tabulation and summary of the daily operational logs for the preceding month.

b. Preliminary report within thirty (30) days after the end of each calendar year or within thirty (30) days after the end of an operation, whichever occurs first, and a final report on the operation no later than ninety (90) days thereafter. Such reports shall contain:

(1) The name, business address, and phone number of the person engaged in the weather modification activity;

(2) The name, Minnesota address, and phone number of the responsible persons;

(3) Information regarding the permittee's qualifications for performing the operation;

(4) The scope of the operation as set forth in the permit;

(5) The total number of days on which operations were conducted;

(6) The total number of seeding or other modification missions attempted and completed;

(7) The total number of hours of operation of each type of weather modification equipment;

(8) The total amount of each seeding agent used;

(9) Any significant environmental or public health, welfare, or safety impacts caused by the operation; and,

(10) Such other information as may be required by the Commissioner.

**Department of Commerce
Securities Division**

**Proposed Uniform Conveyancing
Blanks to Replace Uniform
Conveyancing Blanks 35-40,
88-90**

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in the hearing room of the Department of Commerce, Fifth Floor, Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, commencing at 9:30 a.m. on March 15, 1978, and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have the opportunity to participate concerning the adoption of the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, witness statements or material may be submitted by mail to Steve Mihalchick, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, Telephone: (612) 296-8112, either before the hearing or within five days after the close of the hearing, or for a longer period not to exceed twenty days if ordered by the hearing examiner.

All such statements will be entered into and become a part of the record. Testimony and other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least 3 copies be furnished. In addition, it is suggested to save time and to avoid duplication, those persons, organizations, or associations having common viewpoints or interests in these proceedings join together where possible and present a single statement in behalf of such interests.

By the Laws of 1975, ch. 61, § 26, Minn. Stat. § 507.09 was amended to provide for the appointment of an advisory committee or uniform conveyancing blanks by the Commissioner of Securities. The Commissioner of Securities was given the power to adopt new forms or amended forms by administrative procedures. The advisory committee appointed by the Commissioner, determined that one of the

immediate needs was the preparation of a set of probate decrees and personal representative's deeds to be used under the Uniform Probate Code which has been substantially adopted in Minnesota. If adopted, these Blanks would replace Uniform Conveyancing Blanks 35-40, 88-90 and would add a form, Bona Fide Purchases Declaration and Affidavit of No Self Dealing, pursuant to Minn. Stat. § 291.14, subd. 4 (1976). The following tabulation shows the captions of the new Blanks.

Personal Representative's Deed Individual Personal Representative to Individual(s)

Personal Representative's Deed Corporate Personal Representative to Individual(s)

Personal Representative's Deed Individual Personal Representative to Joint Tenants

Personal Representative's Deed Corporate Personal Representative to Joint Tenants

Personal Representative's Deed Individual Personal Representative to Corporation or Partnership

Personal Representative's Deed Corporate Personal Representative to Corporation or Partnership

Personal Representative's Deed of Distribution Individual Personal Representative

Personal Representative's Deed of Distribution Corporate Personal Representative

Order of Complete Settlement of the Estate and Degree of Distribution Form 524.3-1002 #6

Order of Complete Settlement of the Estate and Order of Distribution Form 524.3-1002 #7

Decree of Descent Form 525.312 #8

Decree of Descent (Omitted Property) (Incorrectly described property) Form 524.3-413 #6

Final Decree Summary Assignment or Distribution Form 525.51 #13

Bona Fide Purchaser Declaration and Affidavit of No Self Dealing

(Notice of Hearing continued on p. 1479 after copies of Proposed Forms on pp. 1464-1478.)

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No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

County Auditor

by _____ Deputy

STATE DEED TAX DUE HEREON:\$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single , married at the time of death, hereby conveys to _____
Grantee(s), real property in _____
County, Minnesota, described as follows:

PROOF

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, as Personal Representative of the Estate of _____, Decedent.

Notarial Stamp or Seal

Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

Notarial Stamp or Seal

Notary Public

THIS INSTRUMENT WAS DRAFTED BY: _____
Statements for real estate taxes on the real property described herein should be sent to: _____

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

County Auditor

by _____ Deputy

STATE DEED TAX DUE HEREON:\$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, Grantor,
a _____ under the laws of _____, as Personal Representative of the
Estate of _____, Decedent,
single , married at the time of death, hereby conveys to _____
Grantee(s), real property in _____
County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
By: _____
Its: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ and _____, the _____ and _____ of _____, a _____, under the laws of _____, as Personal Representative of the Estate of _____, Decedent, on behalf of the _____.

Notarial Stamp or Seal

Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

Notarial Stamp or Seal

Notary Public

THIS INSTRUMENT WAS DRAFTED BY: _____
Statements for real estate taxes on the real property described herein should be sent to: _____

No delinquent taxes; certificate of real estate value received; and transfer entered on _____, 19____

County Auditor
by _____ Deputy

(reserved for recording data)

STATE DEED TAX DUE HEREON:\$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single , married at the time of death, hereby conveys to _____
Grantees, as joint tenants, real property in _____
County, Minnesota, described as follows:

PROOF

(if more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____,
Representative of the Estate of _____, as Personal
Decedent.

Notarial Stamp or Seal

Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

Notarial Stamp or Seal

Notary Public

THIS INSTRUMENT WAS DRAFTED BY: _____

Statements for real estate taxes on the real property described herein should be sent to: _____

No delinquent taxes; certificate of real estate value received; and transfer entered on _____, 19____

County Auditor
by _____ Deputy

(reserved for recording data)

STATE DEED TAX DUE HEREON:\$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, Grantor,
a _____ under the laws of _____, as Personal Representative of the
Estate of _____, Decedent,
single , married at the time of death, hereby conveys to _____
Grantees, as joint tenants, real property in _____
County, Minnesota, described as follows:

PROOF

(if more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
By: _____
Its: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____
of _____, a _____,
under the laws of _____, as Personal Representative of the Estate of _____,
as Decedent, on behalf of the _____.

Notarial Stamp or Seal

Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

Notarial Stamp or Seal

Notary Public

THIS INSTRUMENT WAS DRAFTED BY: _____

Statements for real estate taxes on the real property described herein should be sent to: _____

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

County Auditor

by _____ Deputy

(reserved for recording data)

STATE DEED TAX DUE HEREON:\$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, Grantor,
as Personal Representative of the Estate of _____,
Decedent, single , married at the time of death, hereby conveys to
_____, Grantee, a _____ under the laws of
_____, real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____, as Personal Representative of the Estate of
_____, Decedent.

Notarial Stamp or Seal

Notary Public

Name of Spouse

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

Notarial Stamp or Seal

Notary Public

Statements for real estate taxes on the real property described herein should be sent to:

THIS INSTRUMENT WAS DRAFTED BY:

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

County Auditor

by _____ Deputy

(reserved for recording data)

STATE DEED TAX DUE HEREON:\$ _____

Date: _____, 19____

FOR VALUABLE CONSIDERATION, _____, Grantor,
a _____ under the laws of _____, as Personal Representative of the
Estate of _____, Decedent,
single , married at the time of death, hereby conveys to
_____, Grantee, a _____ under the laws of _____,
real property in _____ County,
Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

By: _____
Its: _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
By: _____
Its: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a _____, as Personal Representative of the Estate of
_____, on behalf of the _____.

Notarial Stamp or Seal

Notary Public

Name of Spouse

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

Notarial Stamp or Seal

Notary Public

Statements for real estate taxes on the real property described herein should be sent to:

THIS INSTRUMENT WAS DRAFTED BY:

Transfer entered on _____, 19____

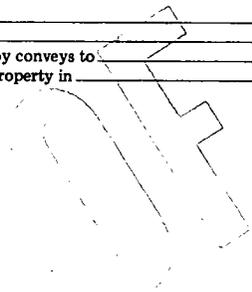
County Auditor
by _____ Deputy

(reserved for recording data)

Date: _____, 19____

NO STATE DEED TAX DUE HEREON

_____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single , married at the time of death, hereby conveys to _____
_____, Grantee(s), real property in _____,
County, Minnesota, described as follows:



(If more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____, as Personal Representative of the Estate of _____, Decedent.

Notarial Stamp or Seal

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Statements for real estate taxes on the real property described herein should be sent to:

Transfer entered on _____, 19____

County Auditor
by _____ Deputy

(reserved for recording data)

Date: _____, 19____

NO STATE DEED TAX DUE HEREON

_____, Grantor,
a _____ under the laws of _____, as Personal Representative of the Estate of _____, Decedent,
single , married at the time of death, hereby conveys to _____
_____, Grantee(s), real property in _____,
County, Minnesota, described as follows:

(If more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF _____ } ss. _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a _____, as Personal Representative of the Estate of _____, Decedent, on behalf of the _____.

Notarial Stamp or Seal

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Statements for real estate taxes on the real property described herein should be sent to:

STATE OF MINNESOTA
COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of _____

ORDER OF COMPLETE SETTLEMENT OF THE
ESTATE AND DECREE OF DISTRIBUTION

Deceased

The petition of _____,
dated _____, 19____, for an order of complete settlement of the estate and decree of
distribution in the estate of the above named decedent having duly come on for hearing before the above named
Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises,
makes the following findings and determinations:

1. That the petition for order of complete settlement of the estate and decree of distribution is complete.
2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.
3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.
4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.
5. That the decedent died ___ testate at the age of _____ years on _____, 19____,
at _____.
6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.
7. That this Court has jurisdiction of this estate, proceedings and subject matter.
8. That the said estate has been in all respects fully administered, and all expenses, debts, valid charges and all claims allowed against said estate have been paid.
9. That the personal representative has filed a final account herein for consideration and approval.
10. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto, was probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, decedent devised his estate as follows: (State actual legal relationship of each devisee to decedent).

11. That the following named persons are all the heirs of the decedent and their actual legal relationship is as stated, except if decedent died testate, no heirs are named unless all heirs are ascertained.

12. That the residue of the estate of decedent for distribution consists of the following described property:
(A) Personal property of the value of \$ _____ comprising the following items:

(B) Real property described as follows:

(1) The homestead of decedent situated in the County of _____,
State of Minnesota, described as follows:

(2) Other real estate in the County of _____,
State of Minnesota, described as follows:

13. That the inheritance taxes on the above described property have been paid or waived.

14. That any previous order determining testacy should be confirmed as it affects any previously omitted or unnotified persons and other interested persons.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.
2. That the final account of the personal representative herein is approved.
3. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto are construed as above stated.
4. That the heirs of the decedent are determined to be as set forth above.
5. That the residue of the estate of the decedent is as above stated.
6. That title to the real and personal estate described herein, subject to any lawful disposition heretofore made, is hereby assigned and vested in the following named persons, who are entitled thereto as all the distributees of the decedent, in the following proportions or parts:

7. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

8. That any previous order determining testacy is hereby confirmed as it affects any previously omitted or unnotified persons and other interested persons.

Dated: _____

Judge

(COURT SEAL)

STATE OF MINNESOTA
COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of

ORDER OF COMPLETE SETTLEMENT OF THE
ESTATE AND ORDER OF DISTRIBUTION

Deceased

The petition of _____,
dated _____, 19____, for an order of complete settlement of the estate and order of
distribution in the estate of the above named decedent having duly come on for hearing before the above named
Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises,
makes the following findings and determinations:

1. That the petition for order of complete settlement of the estate and order of distribution is complete.
2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.
3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.
4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.
5. That the decedent died ___testate at the age of _____ years on _____, 19____,
at _____.
6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.
7. That this Court has jurisdiction of this estate, proceedings and subject matter.
8. That the said estate has been in all respects fully administered, and all expenses, debts, valid charges and all claims allowed against said estate have been paid.
9. That the personal representative has filed a final account herein for consideration and approval.
10. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto, was probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, decedent devised his estate as follows: (State actual legal relationship of each devisee to decedent).

11. That the following named persons are all the heirs of the decedent and their actual legal relationship is as stated, except if decedent died testate, no heirs are named unless all heirs are ascertained.

12. That the residue of the estate of decedent for distribution consists of the following described property:

(A) Personal property of the value of \$ _____ comprising the following items:

(B) Real property described as follows:

(1) The homestead of decedent situated in the County of _____,
State of Minnesota, described as follows:

(2) Other real estate in the County of _____,
State of Minnesota, described as follows:

13. That the inheritance taxes on the above described property have been paid or waived.

14. That any previous order determining testacy should be confirmed as it affects any previously omitted or unnotified persons and other interested persons.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.
2. That the final account of the personal representative herein is approved.
3. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto are construed as above stated.
4. That the heirs of the decedent are determined to be as set forth above.
5. That the residue of the estate of the decedent is as above stated.
6. That the personal representative herein is directed to convey by Personal Representative's Deed of Distribution, title to the real and personal estate described herein, subject to any lawful disposition heretofore made, to the following named persons, who are entitled thereto as all the distributees of the decedent, in the following proportions or parts:

7. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

8. That any previous order determining testacy is hereby confirmed as it affects any previously omitted or unnotified persons and other interested persons.

Dated: _____

Judge

(COURT SEAL)

(C) Personal property consisting of the following items, to-wit:

14. That the terms of decedent's said will are valid and operative under the laws of the State of Minnesota, and that the following named persons are the devisees and/or heirs-at-law of said decedent and are all of the persons entitled to the property herein described, to-wit: (State proportion and actual relationship of each to decedent).

15. That the inheritance tax on the above described property has been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the petition is hereby granted.
2. That the above described real and personal estate, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons in the following proportions or parts:

3. That the lien of inheritance taxes, if any, on said described property is hereby waived.

Dated: _____

(COURT SEAL)

Judge

STATE OF MINNESOTA
COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of _____

DECREE OF DESCENT
(Omitted property) (Incorrectly
described property)

Deceased

The petition of _____, dated _____, 19____, for determination of descent in the estate of the above named decedent having duly come on for hearing before the above named Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for determination of descent is complete.
2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.
3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.
4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.
5. That the decedent died _____ testate at the age of _____ years on _____, 19____, at _____.
6. That, on the basis of the statements in the petition, this Court has jurisdiction of this estate, proceedings and subject matter.
7. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.
8. That the following named persons are all the heirs of the decedent, as identified in the petition commencing this proceeding:

9. That no will or authenticated copy of a will of decedent probated outside of this State in accordance with the laws in force in the place where probated has been admitted to probate nor administration had in this State except in the _____ Court of _____ County under file number _____ in which proceedings the (Order) (Decree) of (Distribution) (Descent) was entered on _____, 19____, wherein the hereinafter described real and/or personal property was (omitted) (incorrectly described) as follows:

The (Order) (Decree) in which the above described real property was (omitted) (incorrectly described) was (filed) (recorded) in the Office of the (County Recorder) (Registrar of Titles), _____ County, Minnesota, on _____ day of _____, 19____, and was duly recorded in Book _____ of _____, page _____, or was duly filed as Document No. _____.

10. That in and by decedent's last will, if any, the decedent devised the above described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent).
11. That said decedent, at the time of death, was the owner of certain property correctly described as follows:
 - (A) The homestead of said decedent, situated in the County of _____, State of Minnesota, described as follows, to-wit:

(B) Other tract or tracts of land lying and being in the County of _____,
State of Minnesota, described as follows, to-wit:

(C) Personal property consisting of the following items, to-wit:

13. That the inheritance taxes on the above described property have been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the petition is hereby granted.
2. That the above described real and personal estate, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons in the following proportions or parts:

3. That the prior (Order) (Decree) of (Distribution) (Descent) which is described above is amended or modified as provided herein, and is, in all other respects, confirmed.
4. That the lien of inheritance taxes on said described property is hereby waived.

Dated: _____

Judge

(COURT SEAL)

12. That the terms of decedent's said will are valid and operative under the laws of the State of Minnesota, and that the following named persons are the devisees and/or heirs-at-law of said decedent and are all of the persons entitled to the property herein described, to-wit: (State proportion and actual relationship of each to decedent).

STATE OF MINNESOTA
COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of

FINAL DECREE
SUMMARY ASSIGNMENT OR DISTRIBUTION

Deceased

The petition of _____
dated _____, 19____, for summary assignment or distribution of the estate of the above
named decedent having duly come on for hearing before the above named Court, the undersigned Judge having
heard and considered such petition, being fully advised in the premises, makes the following findings and
determinations:

1. That the petition for summary assignment or distribution is complete.
2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.
3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.
4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.
5. That decedent died _____ testate at the age of _____ years on _____, 19____,
at _____.
6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.
7. That this Court has jurisdiction of this estate, proceeding and subject matter.
8. That the estate of said decedent consists of the following property, to-wit:
(A) Personal property of the value of \$ _____ comprising the following items, viz.:

(B) Real property described as follows: The homestead of decedent situated in the County of _____ and State of Minnesota, described as follows, to-wit:

(C) Other tracts of land lying and being in the County of _____ and State of Minnesota, described as follows, to-wit:

9. That all of said property is either exempt from all debts and charges in the Probate Court or may be appropriated in kind in reimbursement or payment of the allowances to spouse and minor children mentioned in M.S.A. Section 525.15, expenses of an administration, funeral expenses, expenses of last illness, debts having a preference under the laws of the United States, and taxes, or otherwise qualified for summary assignment and distribution pursuant to M.S.A. Section 525.51.

10. That in and by decedent's last will, if any, the decedent devised the hereinafter described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent).

11. That the following named persons are the devisees and/or heirs and/or preferred obligees of the estate of said decedent, and are all of the persons entitled to the estate of the decedent, to-wit: (State proportion and actual relationship to decedent).

12. That there is no need for the appointment of a representative and that the administration should be closed by summary assignment or distribution as hereinafter ordered, adjudged and decreed.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.
2. That decedent's will dated _____, 19____, and codicils thereto, if any, (is) (are) hereby formally probated.
3. That title to the real and personal estate described herein is hereby assigned and vested in the following named persons, who are entitled thereto as all the distributees of the decedent, subject to any lawful disposition heretofore made, in the following proportions or parts:

4. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

Judge

(COURT SEAL)

BONA FIDE PURCHASER DECLARATION
(pursuant to Minnesota Statutes 291.14 Subd. 4)
AND AFFIDAVIT OF NO SELF DEALING

ESTATE OF _____

_____, DECEDENT.

STATE OF MINNESOTA } ss.

COUNTY OF _____ }

(reserved for recording data)

_____, being first duly sworn, states:

1. That affiant is the personal representative of the Estate of the above-named decedent, in _____ County Probate File No. _____, who died on _____, 19____, in _____ County, Minnesota.
2. That affiant's address is: _____;
3. That assets of the probate estate of said decedent include real property in the County of _____, State of Minnesota, described as follows: _____;

PROOF

(If more space is needed, continue on back)

4. That affiant (sold) (mortgaged) (leased) the above described real property by instrument dated _____, 19____, to _____, a bona fide purchaser for the full consideration of \$ _____;
5. That this transaction does not constitute a sale, mortgage or lease to affiant, affiant's personal agent or attorney, or any corporation or trust in which affiant has a substantial beneficial interest, and furthermore, this sale is not a transaction which is affected by a substantial conflict of interest on the part of affiant.

Subscribed and sworn to before me this _____ day of _____, 19____.

Personal Representative

Notary Public

This instrument was drafted by:

Notarial Stamp or Seal

NOTICE: CERTIFIED COPY OF LETTERS MUST BE ATTACHED TO THIS AFFIDAVIT, OR IT CANNOT BE RECORDED.

PROPOSED RULES

Copies of the proposed Blanks are now available, and at least one free copy may be obtained by writing the Minnesota Securities Division, Fifth Floor, Metro Square Building, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. A Statement of Need explaining the Securities Division's position relative to the necessity for the proposed changes in the Blanks and a statement of the evidence outlining the testimony and evidence which will be introduced by the Securities Division in support of the proposed Blanks will be filed with the Hearing Examiners' office at least 25 days prior to the hearing and will be available there for public inspection. Statutory authority of the Securities Division to promulgate and adopt these Blanks is contained in Minn. Stat. § 507.09 (1976).

Please note that all persons have the right to be notified of the date on which the Hearing Examiner's report will be available after which date the agency may not take any final action on the rules for a period of 5 working days. All persons have the right to be informed that the hearing record has been submitted to the Attorney General by the Securities Division. If you desire to be so notified, you may do so by so indicating at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

Please be advised that Minn. Stat. ch. 10A (1976) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging 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 statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, Telephone: (612) 296-5615.

John R. Larson
Commissioner of Securities and
Chairman, Commerce Commission

Forms as Proposed

(Proposed Forms printed on pp. 1464-1478)

Board of Examiners for Nursing Home Administrators Proposed Rules Relating to Application and Hearing Procedures

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on March 17, 1978, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to Minn. Rules NHA 10, 22, and 23 captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8118, either before the hearing or within five (5) days after the close of the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed amendments is attached hereto and made a part hereof.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Minnesota Board of Examiners for Nursing Home Administrators, 717 Delaware Street Southeast, Minneapolis, Min-

KEY: Existing rules are printed in standard type face, with ~~strike outs~~ to indicate deleted language and underlining to indicate new language. Strike outs and underlining in proposed rules indicate changes from original to proposed new language. Strike outs and underlining in adopted rules indicate changes from proposed to adopted language.

PROPOSED RULES

NHA 10

nesota 55440. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the position of the Board of Examiners for Nursing Home Administrators relative to the necessity for the proposed amendments and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Board in support of the proposed amendments will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the Board of Examiners for Nursing Home Administrators to promulgate and adopt these rules is contained in Minn. Stat. ch. 144A (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging 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 a year or five (5) hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Phillip C. Newberg
Executive Secretary

Rules as Proposed

Chapter Four: NHA 10-15 License

A new section is added to NHA 10, to read:

NHA 10 Requirements

(f) The Board may waive NHA(d) for all applicants whose application for licensure is received in the Board office on or before June 30, 1978, but who have not met all licensure requirements as of that date, if:

(1) The application for licensure is fully completed with all required supporting data provided;

(2) application fee has been paid;

(3) the applicant has either:

(a) written the required examination; or

(b) has completed, is in the process of completing, or has made timely and final application to take all the educational courses required by NHA 10(c); and

(4) Satisfactorily writes the required examination and completes all educational courses required by NHA 10(c) by June 15, 1979.

Minn. Rule NHA 22 is amended to read:

NHA 22 Charges Complaints Procedure

~~(a) Any person, or association, or the Board, or any member thereof, may prefer charges against any licensee or temporary licensee;~~

~~(1) Such charges shall be in writing and signed by the complainant and shall be submitted to the Board. The Board shall provide a copy of the charges to the party being charged.~~

~~(b) The Board, or any person or persons appointed by it for the said purpose, may hold a preliminary hearing to determine if a formal hearing on the charges is necessary.~~

~~(1) The Board may dismiss the charges and take no action thereon, by formal hearing or otherwise, in which event the charges and the order dismissing the charges shall be filed by the Board.~~

~~(e) If the Board or the person or persons appointed by it, decide that the charges shall be heard, the Board shall designate a hearing officer who is not a member of or an employee of the Board to examine the charges and set a time and place for the hearing.~~

~~(1) A copy of the charges, together with a notice of the time and place of the hearing, shall be served on the accused at least thirty (30) days before the date fixed for the hearing.~~

~~(2) Where personal service cannot be effected and such fact is certified, on oath by any person duly authorized to make legal service, the Board shall cause to be published twice in each of three successive weeks, a notice of the hearing in a newspaper published in the County in which the accused was last known to practice, and on/or before the date of the first publication a copy of the charges and of such notice shall be mailed to the accused at his last known address.~~

~~(3) When publication of the notice is necessary, the date of the hearing shall be not less than thirty (30) days after the last day of the publication of the notice.~~

PROPOSED RULES

NHA 23

(d) On the conclusion of the hearing and based upon the findings and conclusions of the hearing officer, the Board may revoke the license of the accused or suspend such license for a fixed period, or reprimand, or dismiss the charges.

(1) An order of suspension made by the Board may contain such a provision as to reinstatement of the license as the Board shall direct.

(2) The Board, in its discretion may direct a rehearing or take additional evidence, and may rescind or affirm the prior determination after such hearing, but nothing in this paragraph shall preclude appropriate relief under and pursuant to the Laws of Minnesota provided for the review and of the administrative determination by the Courts of the State.

All complaints made to the Board or its employees or representatives shall be processed in accordance with Minn. Stat. ch. 214 (1976), as it shall from time to time be amended, and any other statutory provisions applicable to the processing of complaints.

Minn. Rule NHA 23 is amended to read:

NHA 23 Conduct of Hearing

(a) At any hearing conducted pursuant to these rules, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.

(b) At any formal hearing conducted pursuant to these rules, if a party shall appear without counsel, the Board or person designated as hearing officer shall advise such party of his rights to be represented by counsel; and that if he desires to proceed without counsel, that he may call witness-

ses, cross-examine witnesses, and produce evidence in his behalf.

(e) Appearance shall be noted on the official record of hearing.

(d) The hearing officer may in his discretion, grant adjournments on the request of any party in the proceedings provided that an adjournment shall not be for an indefinite period of time, but shall be set for a day certain.

(e) The Board or the hearing officer may grant a temporary postponement of the proceedings upon application of any party in advance of the hearing date. Such request shall be submitted to the Board in writing five (5) days prior to the date set for hearing and shall specify the reason for such request. In considering an application for postponement of a hearing the Board or hearing officer, shall consider whether the purpose of the hearing will be affected or defeated by the granting of such postponement.

(f) The conduct of the hearing shall not be strictly bound by the rules of evidence, but the determination and recommendation of the hearing officer shall be founded upon sufficient legal basis to do substantial justice.

(g) Upon the conclusion of the hearing, the Board shall take such action upon the written findings and conclusions of the hearing officer as it deems proper, and shall execute an order in writing carrying such findings and conclusions into effect.

The record of the hearing shall be available only to The Board, complainant, the accused, or his attorney.

Any hearing initiated pursuant to the statutory authority of this Board and/or pursuant to these rules shall be conducted pursuant to the requirements of Minn. Stat. ch. 15 (1976) as it may from time to time be amended.

KEY: Existing rules are printed in standard type face, with ~~strike outs~~ to indicate deleted language and underlining to indicate new language. Strike outs and underlining in proposed rules indicate changes from original to proposed new language. Strike outs and underlining in adopted rules indicate changes from proposed to adopted language.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, when, in preparing to propose rules, an agency seeks to obtain information or opinion from sources outside of the agency, a notice of intent to solicit such information or opinion is published in the *State Register* and interested persons are afforded an opportunity to submit data and views on the subject.

The *State Register* also contains any other official notice requested to be published by an agency, pursuant to Laws of 1977, ch. 305 § 3.

Office of the State Treasurer Division of Unclaimed Property

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Minnesota Unclaimed Property Act

Notice is hereby given that the State Treasurer, Division of Unclaimed Property is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the Uniform Disposition of Unclaimed Property Act.

Any interested persons may submit data or views on this subject in writing or orally to:

Randall A. LaFoy or
Georgia M. Johnson
Minnesota State Treasurer's Office
303 State Administration Building
St. Paul, Minnesota 55155
1-(612)-296-2568

Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

Jim Lord
State Treasurer

Department of Economic Security Employment Services Division

Notice of Informal Hearing Regarding the Work Equity Project

An informal hearing will be held Thursday, February 9, 7:30 P.M., St. Cloud State College, St. Cloud, Minnesota. The hearing will be held in the Itasca Room, Atwood Center (student union), located on the corner of First Avenue and 6th Street, South. A wheelchair ramp is located at the East entrance of Atwood Center.

The intent of this hearing is to solicit outside opinion on proposed rules for the Work Equity Program. A brief presentation of the proposed rules will be made at the hearing. Persons unable to attend the hearing may submit written comment to, or telephone, the WEP Coordinator, Ms. Jil Leeds Rivera, 612/296-1148, 610 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101.

Department of Public Welfare

Official Notice Regarding the State Employees Assistance Program

WHEREAS, the State of Minnesota recognizes that chemical dependency and other personal problems can interfere with the job performance of State employees, and;

WHEREAS, it is in the legitimate interest of the employee and the State of Minnesota to provide an employee assistance program that deals with such problems and offers professional diagnostic and referral services;

NOW THEREFORE, the State of Minnesota adopts the following policy, and will deal with affected employees within the following framework:

1. Chemical Dependency can be resolved more successfully if it is identified in its early stages and immediate steps are taken to refer the person to appropriate professional counseling. The employee assistance program can facilitate this early identification.

2. Unsatisfactory job performance which does not

OFFICIAL NOTICES

yield to correction by routine supervisory assistance may indicate that referral to a professional diagnostic and referral counselor is needed. Employees may be referred to diagnostic and referral counselors by their supervisors or union stewards, or they may voluntarily seek assistance through the program.

3. State of Minnesota employees are assured that when they are referred to a professional diagnostic and referral counselor, such referrals will be handled in a completely private manner. Employees' jobs, future job opportunities, and job rights and benefits will not be jeopardized by using this professional service, either upon individual decision or upon supervisory or union steward referral. All records relating to diagnosis and referral will be kept confidential as the term is defined under Title 42, Part 2, of the Code of Federal Regulations and under Minnesota Statutes 15.162 to .169, and other applicable Federal or State Laws.

4. Employees referred to professional diagnostic and referral counselors by their supervisors or union stewards may be asked to obtain further services if such are indicated as necessary to resolve their problem.

5. When a diagnosis and referral is made by the counselor, the employee may use sick leave if the prescribed treatment or rehabilitation program is made available under hospitalization or health benefits presently offered to the employees of the State of Minnesota.

6. Every employee deserves the opportunity and has the right to follow through on the recommendations offered by the professional diagnostic and referral counselor. However, continued unsatisfactory job performance may be cause for appropriate action as defined in existing rules and regulations of the Department of Personnel and existing union agreements.

This policy was approved by Governor Rudy Perpich on January 11, 1978, and follows Executive Order 133, which mandated the establishment of a State Employee Assistance Program for all Minnesota State Employees.

Information on program implementation may be obtained by calling the Chemical Dependency Programs Division of the Department of Public Welfare — 296-3504 or 296-8574.

Edward J. Dirkswager, Jr.
Commissioner — Department of Public Welfare

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion Regarding the Administration of Aversive and Deprivation Treatment Procedures

Notice is hereby given that the Minnesota Department of Public Welfare is considering a proposed new DPW Rule 39, "Conditions for the Use of Aversive and Deprivation Procedures."

This rule will regulate the administration of aversive and deprivation treatment procedures on persons participating in treatment programs regulated by the Department of Public Welfare.

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:

Ronald C. Young, M.D.
Medical Director
Department of Public Welfare
Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3058.

All statements of information and comment must be received by February 24, 1978. Any written material received by the Department shall become part of the hearing record.

Minnesota State Retirement System

Notice of Regular Meeting of Board of Directors

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, February 17, 1978, at 9:00 A.M. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

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