

State



STATE OF
MINNESOTA

Register

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FEB 28 1978

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VOLUME 2, NUMBER 34

FEBRUARY 27, 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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The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Wednesday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

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

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

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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.

Department of Natural Resources Adopted Rules Governing Snowmobiles

The rules published at the *State Register*, volume 2, number 10, page 440, September 12, 1977 (2 S.R. 440) are adopted and are identical in every respect to their proposed form.

Department of Labor and Industry Labor Standards Division Adopted Rules Governing Fee Employment Agencies

The rules published at the *State Register*, volume 2, number 5, page 187, August 8, 1977 (2 S.R. 187) are adopted and are identical in every respect to their proposed form, with the following amendments:

FEA 29 An agency may not demand any money from an applicant on a fee paid or split fee position after 90 calendar days of employment because of refunds to the employer. Fees may be charged ~~;~~ however, because of refunds to the employer to applicants who voluntarily leave or are terminated due to misconduct within 90 calendar days of employment on a fee paid or split fee position, provided the applicant contract fully explains the nature of the potential liability.

FEA 57 Initiating the contested case.

- (a) Initiation by complaint.
 - (1) Any person authorized by law to submit to the department a complaint that ~~their~~ his or her individual rights or privileges are being denied or that duties owed are being defaulted upon may initiate a contested case by filing a complaint.
 - (2) (iv) Signature of the complainant or the complainant's attorney:

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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.

Board of Pharmacy Proposed Rule Relating to Controlled Substances

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 Room 408, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on April 5, 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 Pharm 51. 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) 296-8113, 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, organi-

zations, 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 Pharmacy, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. 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 Pharmacy 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 Pharmacy to promulgate and adopt these rules is contained in Minn. Stat. ch. 151 (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.

Minnesota Board of Pharmacy
David E. Holmstrom
Executive Secretary

Rule as Proposed

Pharm 51 Controlled Substances.

(Introduction and (a) remain unchanged.)

(b) The following items are listed in Schedule II:

((1) through (3) remain unchanged.)

(4) Depressants. Unless specifically expected or unless

PROPOSED RULES

listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (aa) Methaqualone Sopor, Quaalude, Parest
- (bb) Amobarbital Amytal
- (cc) Secobarbital Seconal
- (dd) Pentobarbital Nembutal
Tuinal
- (ee) Phencyclidine Sernyl, Sernylar

(c) The following items are listed in Schedule III:

((1) remains unchanged.)

(2) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Some examples of common names,
trade names, or names of products
which contain a controlled substance.

Statutory Name

(aa) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(bb) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(cc) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules:

- (dd) Chlorhexadol Butabarbital, Vinbarbital, Delvinal,
- (ee) Glutethimide Doriden
- (ff) Lysergic acid Talbutal,
- (gg) Lysergic acid amide Lotusate,
- (hh) Methyprylon Pentothal,
- (ii) Phencyclidine Sernyl,
Sernylar

- (ii) ~~(jj)~~ Sulfondiethylmethane
- (jj) ~~(kk)~~ Sulfonethylmethane
- (kk) ~~(ll)~~ Sulfonmethane

((3) Through (5) remain unchanged.)

(d) The following items are listed in Schedule IV:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Barbital	Barbitone
(2) Chloral betaine	Beta-Chlor
(3) Chloral hydrate	Noctec, Somnos
(4) Chlordiazepoxide	Librium, Libritabs
(5) Clonazepam	Clonopin
(6) Clorazepate	Tranxene
(7) Diazepam	Valium
(8) Diethylpropion	Tenuate Tepanil
(9) Ethchlorvynol	Placidyl
(10) Ethinamate	Valmid
(11) Fenfluramine	Pondamin (Robins)
(12) Flurazepam	Dalmane
<u>(13) Lorazepam</u>	
(13) <u>(14) Mebutamate</u>	Equanil, Miltown,
(14) <u>(15) Meprobamate</u> ,	Equagesic, Equalysen
except when in combination with the following drugs in the following or lower concentrations:	
conjugated estrogens 0.4 mg	
tridihexethyl chloride 25 mg	
pentaerythritol tetranitrate 20 mg	
(15) <u>(16) Methohexital</u>	Brevital
(16) <u>(17) Methylphenobarbital</u>	Mebaral, Mephobarbital
(17) <u>(18) Oxazepam</u>	Serax
(18) <u>(19) Paraldehyde</u>	Paral
(19) <u>(20) Pemoline</u>	Cylert
<u>(21) Pentazocine</u>	Talwin
(20) <u>(22) Petrichloral</u>	Periclor
(21) <u>(23) Phenobarbital</u>	Luminal, Phenobarbitone, Eskabarb
(22) <u>(24) Phentermine</u>	Wilpo, Fastin, Ionamin
<u>(25) Prazepam</u>	
<u>(26) Propoxyphene</u>	<u>Darvon</u>

(e) The following items are listed in Schedule V:

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. Strike outs indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

PROPOSED RULES

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone,

Statutory Name

(1) Not more than 100 milligrams of dihydrocodeine per 100 milliliters ~~or per 100 milliliters~~ or per 100 grams.

(2) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(3) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(4) Not more than 15 milligrams of anhydrous morphine per 100 milliliters or per 100 grams.

(5) Loperamide

((f) remains unchanged.)

Some examples of common names, trade names, or names of products which contain a controlled substance.

Lomotil

Parapectolin,
Donnagel P.G.

Imodium

Department of Public Welfare

Proposed Temporary Rule Eliminating 2% Investment Allowance for Non-Proprietary Nursing Home Providers under Title XIX Medical Assistance Program

Request for Comment

Notice is hereby given that the following amendment to Rule DPW 49, Rule DPW 49A, governing administration of Regulations for Determining Welfare Per Diem Rates for Nursing Home Providers Under the Title XIX Medical Assistance Program, is proposed for adoption as a temporary rule as authorized by Minn. Stat. § 15.0412, subd. 5 (1977), pending completion of a full hearing and adoption of a permanent rule. Comments from interested and affected persons are requested. Comments must be received at the address given below within 20 days of the date of this publication to be considered. The temporary rule may be revised on the basis of comments received.

Comments on the proposed rule should be sent to:

Edward J. Dirkswager, Jr.
Commissioner
Minnesota Department of Public Welfare
Fourth Floor
Centennial Office Building
St. Paul, Minnesota 55155

Temporary Rule as Proposed

DPW 49 D.6.b.(1) is amended to read as follows:

- (1) Determination of allowance. Proprietary homes where cost reports are received after January 1, 1977, shall receive an investment allowance of nine percent of the original value of the facility for depreciation purposes. ~~Non-proprietary homes whose fiscal year begins after June 30, 1977, shall receive an investment allowance of two percent of the original value.~~

OFFICIAL NOTICES

Department of Commerce

Banking Division Bulletin No. 1857: Maximum Lawful Rate of Interest for Mortgages for the Month of March, 1978

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to Minn. Stat. § 47.20, the Conventional Home Loan Assistance and Protection Act, as amended by Laws of 1977, ch. 350, hereby determines that the maximum lawful rate of interest for home mortgages for the month of March, 1978, is nine and one-half (9.50) percent.

Robert A. Mampel
Commissioner of Banks
February 16, 1978

Energy Agency

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Emergency Energy Conservation and Allocation

Notice is hereby given that the Minnesota Energy Agency (hereinafter the "Agency") is seeking information and comments from all interested individuals or groups on revising the energy emergency conservation and allocation plan (hereinafter the "plan") and promulgating rules based on the plan.

The Agency, pursuant to Minn. Stat. § 116H.09, shall review and, if necessary, revise the plan at least once every five years. The plan shall be consistent with the requirements of federal energy emergency laws and regulations and shall include the following provisions:

1. Priority for those who have instituted energy-saving measures;
2. Initial allocation assignments based on reduced consumption requirements;
3. Subsequent allocation assignments based on further reductions in consumption requirements;
4. Protection of the health and welfare of the young, the old, and the infirm;
5. Maintenance of reasonable job safety conditions;
6. Avoidance of environmental sacrifices; and

7. Procedures for the fair and equitable review of complaints and requests for special exemptions.

The plan will be based upon the energy emergency conservation and allocation plan published in January 1977 and will include sections on coal, electricity, natural gas, liquid petroleum gas, crude oil, aviation gasoline, motor gasoline, jet fuel, middle distillates and residual fuel. Copies of the January 1977 plan may be obtained by contacting the Agency.

Interested or affected persons or groups may submit statements of information and comment orally or in writing. Written statements may be addressed to:

Thomas A. Moore
Minnesota Energy Agency
150 East Kellogg Blvd.
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 612/296-8896, and in person at the above address.

All statements of information and comment must be received by April 7, 1978. A public hearing on the revised plan is scheduled to be held in August 1978.

Richard A. Wallen
Policy Analysis Manager

Ethical Practices Board

Public Opinion Solicited Regarding a Request for an Advisory Opinion

February 17, 1978

The State Ethical Practices Board solicits opinions of any individual or association regarding the following request for an advisory opinion prior to review for approval of an advisory opinion on March 24, 1978.

February 14, 1978

Minnesota Democratic Farmer Labor Party
730 East 38th Street
Minneapolis, Minnesota 55407

Dear Mr. Clutter:

The Minnesota Democratic-Farmer-Labor Party presently has two separate accounts. Our State Central Committee account is registered with the State Ethical Practices Board and reports regularly to it. Our Dollars-for-Democrats ac-

count was first registered with the Federal Elections Commission and then later with the State Ethical Practices Board.

The Minnesota DFL wishes to terminate the Dollars-for-Democrats account as a state reporting account so that we will have the one account registered under Federal law, involved in Federal elections, and reporting exclusively to the Federal Elections Commission. The remaining State Central Committee account would then be registered under Minnesota law, involved in Minnesota elections, and reporting exclusively to the State Ethical Practices Board.

In order to do this, we request advisory opinions concerning the following:

1. The manner of terminating Dollars-for-Democrats as a state reporting account. Because of on-going Federal activities which must be reported at that level, zeroing the account is unworkable under Federal law.

2. The manner of establishing an operating account for expenses associated with operating and staffing the state party office.

3. The method of calculating the fair-share allocation of operating expenses between state and federal committees. A Federal Elections Commission guideline approves as reasonable the following arrangement:

The allocable Federal portion of administrative expenses is determined by the ratio of (1) the total amount which the Federal campaign committee received into its Federal account to (2) the total of all receipts of both the Federal and non-Federal committees.

May we adopt this allocation formula, using a calendar year basis for fair-share totals and percentages?

4. The need or advisability of terminating our rebate program from the Dollars-for-Democrats account, once the state severance is effected.

5. The permissibility and method of transfer of funds between state and federal committees.

6. The application of M. S. 10A.22, Subd. 6 to any future transfer of funds to a state committee from a non-registered Minnesota committee.

We await your reply.

Sincerely,

Rick Scott
DFL State Chair

Ethical Practices Board

Advisory Opinion #42

Approved by the Ethical Practices Board on February 16, 1978

Issued to:

Robert O. Milberger
Wood City Local 158
1403 Avenue C
Cloquet, Minnesota 55720

SUMMARY

42. A union local of Minnesota is not required to register and report with the Ethical Practices Board when transferring funds from per capita dues to the operating fund of a labor organization which in turn deposits some of the operating fund in a political fund. The political fund is not required to disclose the local organization who transferred in excess of \$50 in per capita dues to the operating fund.

The full text of the opinion is available upon request from the office of the

State Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155
612-296-5148

Department of Health Commissioner of Health

Notice of Intent to Solicit Outside Opinion Regarding Rules Regulating Operations of Health Maintenance Organizations and Hospitals

Notice is hereby given, pursuant to the provisions of Minnesota Statutes § 15.0412, subd. 6 (Supp. 1975) that the Minnesota Department of Health will propose the amendment and revision of existing rules on the subjects noted below.

All interested parties desiring to submit data or views relating to the amendment or revision of the rules noted below should address their comments (either written or oral) to the Minnesota Department of Health, Division of Health Facilities, 717 Delaware Street, Southeast, Minneapolis, Minnesota, 55440, by writing or calling the persons desig-

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nated. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record.

1. Health Maintenance Organizations Rules amending the provisions of 7 MCAR §§ 1.366-1.380 relating to operating requirements of health maintenance organizations (HMOs); dual option provisions; fees for periodic examinations of HMOs; termination of coverage; HMO extension of benefits; and conversion privileges.

Contact: Frank Tsai
Phone: (612) 296-5365

2. Minnesota Hospital Rate Review System Rules amending the provisions of 7 MCAR §§ 1.471-1.511 relating to definitions; administrative procedures; and review of rate revenue and expense reports and interim increase reports.

Contact: Fred Sattler
Phone: (612) 296-5315

Metropolitan Council

Notice of Intent to Solicit Outside Opinion Regarding Design Standards for Metropolitan Area 911 Emergency Telephone System

Notice is hereby given, pursuant to Minn. Stat. § 15.0412, subd. 6 (Supp. 1977), that the Metropolitan Council will now seek information and opinions preparatory to promulgating and proposing rules governing design standards for the Metropolitan Area 911 emergency telephone system.

Minn. Stat. § 403.07, subd. 1, directs the Department of Administration to establish and adopt rules for the administration of the 911 emergency telephone system planning and implementation requirements, and for the development of 911 systems in the state, including design standards for 911 systems and a procedure for determining and evaluating requests for variations from the established design standards. Minn. Stat. § 403.07, subd. 2, direct the Metropolitan Council to establish and adopt design standards for the Metropolitan Area 911 system. The Department of Administration is directed to incorporate the Metropolitan Area design standards into its rules. To facilitate ease of incorporation and to standardize the adoption process, the Metropolitan Council will adopt the Metropolitan Area design standards in accordance with Minn. Stat. ch. 15.

The rules to be promulgated shall encompass minimum 911 emergency telephone service requirements and capabilities,

with special emphasis on minimum requirements and capabilities of the 911 emergency telephone system in densely populated areas where public safety jurisdictions and telephone exchange boundaries overlap.

Any and all interested persons may submit oral and written data or views regarding the promulgation of design standards for the Metropolitan Area 911 system by contacting Mr. Robert H. Scarlett, 911 Project Coordinator, Metropolitan Council, 300 Metro Square Building, St. Paul, MN 55101, telephone: (612) 291-6494.

This notice and any written material received by the Metropolitan Council with respect thereto shall become a part of the rule promulgation record to eventually be submitted to the Attorney General pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1977).

John Boland
Chairman

Pollution Control Agency

Notice of Hearing on the Application of the City of Rochester for a Variance from Minn. Reg. WPC 14 (c) (6) for the Operation of Its Existing and Proposed Wastewater Treatment Facility Located in Olmstead County, Minnesota

It is hereby ordered and notice is hereby given that a hearing concerning the above-entitled matter will be held on April 3, 1978, at the Religious Activity Center, Rochester State Hospital, 2110 East Center Street, Rochester, Minnesota 55901, beginning at 10:00 a.m. and continuing until all persons can be heard. Evening sessions will be held on April 3 and 4, 1978, beginning at 7:30 p.m. at the same location for the purpose of taking public testimony.

Prehearing conferences will be held on March 6, 1978, and March 20, 1978, at the above location, beginning at 10:00 a.m. The purpose of the prehearing conferences is to establish the identity of all parties, establish a timetable for the exchange of testimony and other discovery, and to deal with other relevant preliminary matters. All parties and all persons who intend to participate as parties should attend. These prehearing conferences will be open to the public.

The hearing will be held before Allan W. Klein, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8114, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other repre-

OFFICIAL NOTICES

sentative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 (1976) and Minn. Rule HE 201 through HE 222 (the Rules of the Office of Hearing Examiners) and to the extent they do not conflict, Minn. Rule MPCA 1-13 (the Agency's rules of procedure). Questions concerning discovery or other matters concerning this proceeding may be directed to Special Assistant Attorney General, Marlene E. Senechal, Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113, (612) 296-7708.

The purpose of this hearing will be to consider testimony and evidence bearing upon the application of the City of Rochester for a variance from Minn. Rule WPC 14 (c) (6), which establishes an effluent phosphorus concentration of 1 milligram per liter where the discharge of effluent is directly to or affects a lake or reservoir, for the operation of its existing and proposed wastewater treatment facility. The existing facility is located in the south half of Section 14 and the north half of Section 23, Township 107 North (Cascade Township), Range 14 West, Olmstead County, Minnesota. The proposed facility will be located at the same site as the existing facility. The receiving water of the facility's discharge is the South Fork of the Zumbro River. The City of Rochester seeks the variance for an indefinite period of time.

The Minnesota Pollution Control Agency is authorized to hold such hearing and grant such a variance by Minn. Stat. § 116.07, subd. 5 (1976) and pursuant to its regulation, Minn. Rule MPCA 6.

A party to a case has the right to present evidence and argument with respect to the issues and to cross-examine witnesses as well as other rights which are set out in the above-cited procedural rules. Interested persons may present oral or written statements at the hearing without becoming parties.

Any person desiring to intervene as a party must submit to the Hearing Examiner and serve upon all existing parties a Petition to Intervene by March 17, 1978. Pursuant to Minn. Rule HE 210, this petition must show how that person's legal rights, duties, or privileges may be affected by the decision in this case. The petition must also set forth the grounds and purpose for which intervention is sought. At the present time the representatives of parties to this proceeding who should be served with such Petition to Intervene are:

Mr. Gerald Swanson
City Attorney
Room 1, City Hall
Rochester, Minnesota 55901

Ms. Marlene E. Senechal
Attorney for MPCA Staff
Minnesota Pollution Control Agency
1935 W. County Road B2
Roseville, Minnesota 55113

A Notice of Appearance form, enclosed with this order, is to be completed and returned to the Hearing Examiner at least ten days before the hearing date by each person admitted as a party. In addition, the Agency requests that the Notice of Appearance be served upon the existing parties to the hearing.

The procedural rules Minn. Rule HE 201 through HE 222 are available for inspection at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, St. Paul, Minnesota 55155 (612) 296-2874. Copies of Minnesota Pollution Control Agency regulations and other documents pertinent to the proposed variance and application therefor are available for review by all interested persons during normal business hours at the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113.

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

Dated: February 16, 1978

Minnesota Pollution Control Agency
Sandra S. Gardebring
Executive Director

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion Regarding a Proposed Rule Governing Procedures for the Administration of Specified Therapies to State Hospital Patients

Notice is hereby given that the Minnesota Department of Public Welfare is considering a proposed new DPW Rule 20, "Procedures Governing the Administration of Specified Therapies to State Hospital Patients"

This rule will govern the administration of certain treatment modalities to committed patients residing at state hospitals. The proposed rule would require specific court au-

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thorization prior to administration of functional neurosurgery (psychosurgery), electroconvulsive therapy, coma or insulin therapy, aversive therapies utilizing the injection of any chemical substance, and medically prescribed maintenance therapy using Schedule II drugs as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

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 re-

ceived during regular business hours over the telephone at (612) 296-3058.

All statements of information and comment must be received by March 20, 1978.

Any written material received by the Department shall become part of the hearing record.

Errata

1. 2 S.R. 187: Change "advisory" to "Advisory" at FEA 8.

2. 2 S.R. 1290: Add "to others is engaged in the business of renting or leasing equipment" after "leasing the equipment" and before "." at Tax S&U 104 C.

3. 2 S.R. 1494: Change "1 S.R. 92" to "2 S.R. 92" at introductory paragraph.

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