

State Register

STATE OF MINNESOTA



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VOLUME 2, NUMBER 38

MARCH 27, 1978

State Register



Notice of *State Register* Format Changes

Beginning with *State Register* Vol. 2, issue No. 37, dated March 20, 1978, the Office of the State Register is making the following enhancements in the *State Register* format:

- An "Executive Orders List" is added as a new finding aid. This list will appear following the MCAR Amendments and Additions, and will serve as a means of finding Executive Orders which have appeared in the current volume of the *State Register*.

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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.

comments received upon publication of "Notice of Opinion Sought" in the January 16, 1978 *State Register* (2 S.R. 1382), the Commissioner of Agriculture shall adopt "other comparable methods of equal or greater reliability . . . for sediment testing of milk delivered in can or handled in bulk farm tanks." The following sample volumes of milk from the thoroughly agitated tank of milk and the following aperture sizes of lintine discs for filtering the milk shall be acceptable.

<u>Milk Sample Volumes</u>	<u>Exposed Area of Lintine Disc</u>
4 oz.	.20 inch aperture
2 oz.	.14 inch aperture
1 oz.	.10 inch aperture

Such methods shall be acceptable April 3, 1978 and thereafter. Any questions regarding the administration of this program should be directed to:

Mr. Harold Johnson, Supervisor
Manufacturing Milk Section
Dairy Industries Division
Minnesota Department of Agriculture
520 State Office Building
Saint Paul, Minnesota 55155
(612) 296-3647

Department of Agriculture Notice of Adoption of Comparable Methods for Mixed Sample Sediment Testing of Milk for Manufacturing Purposes

Notice is hereby given that pursuant to Minn. Stat. § 32.401 and 3 MCAR 1.1188D.1.c.; and after review of public

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.

Department of Commerce Insurance Division Proposed Rules Relating to Legible Type Face Styles

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, St. Paul, Minnesota 55101, commencing at 9:00 A.M. on May 9, 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 Mr. Harry Crump, Hearing Examiners Office, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone number 296-8114, within five working days after the close of the hearing. The Hearing Examiner may extend the period for receipt of written comments up to 20 calendar days if requested. Those sending in written comments should also advise the Hearing Examiner whether or not they wish to be notified when the Hearing Examiner's report is available.

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 three copies be furnished. In addition, to save time and avoid duplication, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together, where possible, and present a single statement on behalf of such interests.

The proposed rules, if adopted, will provide insurance policies which are printed in type face styles that are easily readable to the average person. The proposed rules are identical in every respect to the Adopted Temporary Rules, published at *State Register* Vol. II, No. 32, p. 1494, February 13, 1978 (2 S.R. 1494). Copies of the proposed rules are also available, and at least one free copy may be obtained by writing the Minnesota Insurance Division, Fifth Floor, Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. A Statement of Need explaining the Insurance Division's position relative to the necessity for the proposed rule changes and Statement of Evidence outlining the testimony and evidence which will be introduced by the Insurance Division in support of the proposed rules 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 Insurance Division to promulgate and adopt these rules is contained in Minn. Stat. § 72C.07 (1977).

Please be advised, that under Minn. Stat. § 10A.01, subd. (11) 1974, any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

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 five working days. All persons also have the right to ask the Insurance Division to notify them of the date upon which this hearing record is submitted to the Attorney General. If you desire to be so notified, you may do this by so indicating at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

Date: March 10, 1978

Berton W. Heaton
Commissioner of Insurance

PROPOSED RULES

INS 150

Rules as Proposed

INS 150 Legible type face styles.

A. Authority. The rules hereinafter set forth are promulgated pursuant to Minn. Stat. § 72C.07 (1977).

B. Purpose. The purpose of this rule is to provide insurance policies which are printed in type face styles that are easily readable to the average person.

C. General.

1. These rules shall be considered applicable in all insurance policies and contracts required to be filed under Minn. Stat. § 72C.11.

2. All insurers upon filing shall specify the type face styles used in each policy. The Commissioner will consider the following type face styles as being legible:

Aldine	Bodoni Book
Baskerville	Century
Bodoni	Century Schoolbook

Chelmsford	Megaron
Copperplate	Melior
Clarendon	Metro
Schoolbook	News Gothic
Fairfield	Optima
Futura	Press Roman
Garamond	Pyramid
Gothic	Sparton
Helios	Theme
Helvetica	Times Roman
Journal	Trade Gothic
Korinna	Univers
Modern Roman	Universe

This list is not intended to be exhaustive but is intended solely as an indication of the legibility of a type face style that is required. Any type face style selected that meets the same standard of legibility will be approved. Extreme type styles such as "Old English" or heavy block are not acceptable.

3. Italics, bold face, and contrasting styles may be used to emphasize important or technical terms and for captions. When 2 or more type face styles are used, they shall be visually compatible.

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.

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.

Department of Personnel

Notice of Intent to Solicit Outside Opinions on Rules Governing the Taking of Official Action by State Employees in Matters Involving Businesses in Which They Have an Interest

Notice is hereby given that the Department of Personnel is drafting rules amending the code of ethics for employees in the executive branch of the State of Minnesota. The rules governing a code of ethics are authorized by Minn. Stat. 43.05, subd. 2 (13) 1976. It is the intent of these new rules to define significant financial interest in outside businesses, and to specify the conditions when employees should not be involved in official actions involving businesses in which they have a significant financial interest.

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

Richard R. Cottrell
Department of Personnel
Third Floor Space Center
444 Lafayette Road
St. Paul, MN 55101

All statements of information or comment must be received by March 31, 1978. Any written material received by the department on or before this date will become part of the hearing record.

Department of Commerce Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Opinions on Rules Governing the Examination of Engineer Applicants and the Certification and Signature on Plans

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the examination of engineer applicants and the certification and signature on plans by licensed design professionals. Any interested persons may submit data or views on these subjects in writing or orally to:

Lowell E. Torseth
Executive Secretary
500 Metro Square
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2388

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

Department of Commerce Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Opinions on Rules to Define Classes of Buildings Which May be Exempted From the Provisions of Minn. Stat. 1976, Sections 326.02 to 326.15

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the definition of those classes of buildings which may be exempted from the provisions of Sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare. Any interested persons may submit data or views on this subject in writing or orally to:

OFFICIAL NOTICES

Lowell E. Torseth
Executive Secretary
500 Metro Square
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2388

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

Department of Commerce Banking Division

Banking Division Bulletin No. 1874, Maximum Lawful Rate of Interest for Mortgages for the Month of April, 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 April, 1978, is nine and one-half (9.50) percent.

Robert A. Mampel
Commissioner of Banks
March 15, 1978

Department of Commerce Banking Division

Notice of Intent to Propose Rules Pursuant to the Act (H.F. No. 1180) Permitting the Establishment and Operation of Electronic Funds Transfer Facilities Immediate Release, Banking Division Bulletin No. 1873

The Minnesota Commissioner of Banks hereby gives notice of his intent to propose rules pursuant to Laws of 1978, ch. 469, relating to the operation of electronic funds transfer facilities as to the manner and information required in the submission of applications for authorization; establishing minimum technical operating standards; and requiring disclosure of consumer protection information to customers using electronic financial terminals. All persons

wishing to submit data or views concerning the session law and its implementation may submit this information either orally or in writing to the Commissioner of Banks at the following address:

Commissioner of Banks
Fifth Floor, Metro Square Bldg.
Seventh and Robert Streets
St. Paul, Minnesota 55101

Any written material received by the Commissioner shall become a part of the public record pertaining to the consideration of these proposed rules.

Robert A. Mampel
Commissioner of Banks
March 13, 1978

Ethical Practices Board

Notice of Intent to Solicit Outside Opinions on Emergency Rules Governing Campaign Financing, Public Financing and Economic Interest Disclosure

Notice is hereby given that the State Ethical Practices Board is drafting emergency rules clarifying the 1978 amendments to *Minn. Stat.* 10A regarding campaign and public financing and economic interest disclosure.

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

Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155

All statements of information or comment must be received by April 10, 1978. Any written material received by the department on or before this date will become part of the hearing record.

Ethical Practices Board

Notice of Intent to Solicit Outside Opinion 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

March 20, 1978

OFFICIAL NOTICES

Mr. B. Allen Clutter III
Executive Director
Minnesota State Ethical Practices Board
Room 41, State Office Building
Saint Paul, Minnesota 55155

RE: *Advisory Opinion*

Dear Mr. Clutter:

As counsel for the Independent-Republican Party of Minnesota, we are writing to you to request an advisory opinion pursuant to the authority granted to the Ethical Practices Board by Minn. Stat. 10A.02, subd. 12.

Our questions relate to the effect of certain provisions of H. F. No. 404, signed by Governor Perpich on February 27, 1978 and codified as Laws of 1978, ch. 463, specifically §§ 74, 100, 106 and 107 thereof:

(1) Can the Independent-Republican Party represent to potential contributors to the Party that any tax credit otherwise available to the contributors will remain available if the Party from such accumulated contributions subsequently makes a campaign contribution to a state candidate who does not agree to be bound by the expenditure limits imposed by Minn. Stat. § 10A.25?

(2) Would your response to question (1) be different if the contribution to the Party were specifically earmarked by the individual contributor for contribution to the campaign of such a candidate?

We hope that you will consider these questions at your earliest possible convenience.

Very truly yours,

Rolfe A. Worden
4344 IDS Center
Minneapolis, Minnesota 55402
(612) 335-9331

and

Eldon J. Spencer, Jr.
1200 National City Bank Building
Minneapolis, Minnesota 55402
(612) 339-1200

State Planning Agency Notice of Application for Renewal of Designation as the State Health Planning and Development Agency

Notice is hereby given that the Minnesota State Planning Agency is applying for renewal of conditional designation as

the State Health Planning and Development Agency pursuant to P.L. 93-641, the National Health Planning and Resources Development Act of 1974. The State Planning Agency has available for public examination and copying, its proposed State Administrative Program which will be submitted under Title 42, Code of Federal Regulations, Part 123, published for the designation and funding of state agencies.

Under provision of this Act, the agency proposes to administer the required state health planning and development functions according to its State Administrative Program. Special attention is given to the orderly assumption of activities necessary for full designation as the State Health Planning and Development Agency and for participation in Title XVI of the Act.

Oral and written comments on the proposed State Administration Program will be received at the April 19 meeting of the Minnesota Statewide Health Coordinating Council scheduled for 9:30 a.m. at the Fort Snelling Employees Club in Minneapolis. Written statements may also be submitted to the Minnesota State Planning Agency, State Health Planning and Development Agency, Room 101 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Comments must be received by April 21, 1978. For additional information, call the State Planning Agency at (612) 296-2407.

Department of Public Welfare Chemical Dependency Program Division

A Request for Proposals for the Purpose of Designing and Implementing Outpatient Treatment Programs

A Request for Proposals (RFP) has been issued by the Chemical Dependency Program Division, Department of Public Welfare (State Alcohol and Drug Authority) on March 14, 1978, for the purpose of designing and implementing outpatient treatment programs. Ten (10) awards, each not to exceed \$22,000 will be granted for this purpose, with work estimated to begin July 1, 1978. Of the ten awards, three (3) will be made to applicants specifying an emphasis on family-oriented outpatient programs, and three (3) to applicants specifying services for underserved populations. Proposals must be received by 4:30 p.m. April 28, 1978. Persons or organizations wishing to receive this RFP or who would like additional information may contact Richard Neuner, Chemical Dependency Program Division, 4th Floor, Centennial Building, St. Paul, MN 55155. Telephone (612) 296-4614.

OFFICIAL NOTICES

Water Planning Board

Notice of Hearing of Meeting of Water Planning Board

Notice is hereby given that the Water Planning Board will hold a meeting on Wednesday, March 31, 1978 at 1:00 p.m. in Conference Room A, Sixth Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota. An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski
Chairman

ERRATA

1. 2 S.R. 1673: Change "ot" to "to" at INS 200 B.
2. 2 S.R. 1673: Close quotations marks after "Board" at INS 200 F.
3. 2 S.R. 1677: Change "polciy" to "policy" at INS 203 B.1.
4. 2 S.R. 1726: Insert "E." after MHD 224 D.6. and before "Techniques for joining plastic well casing."
5. 2 S.R. 1728: Underline "a." at MHD 224 F.3.a. Grouting.
6. 2 S.R. 1731: Change "Examiner's" to "Examiners" at 2nd paragraph of Municipal Board Notice of Hearing.
7. 2 S.R. 1737: Underline "A." at WPC 34 A.
8. 2 S.R. Underline "a" and "b" at WPC 34 E.2.d.(3).
9. 2 S.R. 1743: Underline "(a)" and "(b)" at WPC 34 E.3.c.(1).
10. 2 S.R. 1743: Underline "160" and "150" under "Point Rating" at WPC 34 E.3.c.(1).
11. 2 S.R. 1743: Add "10" under "Point Rating" at WPC 34 E.3.c.(1) (d).
12. Underline "(3) Ten additional points will be awarded" after end of Table III at WPC 34 E.3.c.(3).
13. 2 S.R. 1744: Underline "the end" after "~~December 31~~" at WPC 34 #.4.b.(4).
14. 2 S.R. 1748: Underline "9. Administration. a. Certification." at WPC 34 E.9.a.
15. 2 S.R. 1751: Underline "3." at WPC 34 F.3. Criteria for Determining Loan Priority.

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