

78, May 30

J

Pages 2111-2134

# State Register

STATE OF  
MINNESOTA



## HIGHLIGHTS:

### RULES

Vocational-Technical Institute  
Tuition Subsidy Program

Early and Periodic Screening,  
Diagnosis and Treatment Program

### PROPOSED RULES

Economic Interest Disclosure  
(Temporary)

### STATE CONTRACTS

Opening for Energy Curriculum Writer

Notice of Request for Proposals  
for Training of Medical Personnel

Notice of Request for Proposals  
for Chemical Analysis of Peat

Contract Available for  
Labor Relations Consultant Services

Contract Available for  
Staffing Study of Metropolitan State University

### OFFICIAL NOTICES

Outside Opinion Sought on  
Insulation Standards

Outside Opinion Sought on Boundaries  
under Resource Conservation and Recovery Act

A detailed table of contents appears inside.

**VOLUME 2, NUMBER 47**

**MAY 30, 1978**

---



---

## Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
48	May 22	May 30 (Tu)	June 5
49	May 30 (Tu)	June 5	June 12
50	June 5	June 12	June 19
51	June 12	June 19	June 26
52	June 19	June 26	July 3

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

---



---

The *State Register* is published weekly, on Monday, by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

The State of Minnesota has reserved a copyright to cross-reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

Copyright © 1978 State of Minnesota

Rudy Perpich  
Governor

Carol Anderson Porter  
Editor

Richard L. Brubacher  
Commissioner  
Department of Administration

James Clancy, Paul Hoffman, Robin PanLener, Jack Richter  
Editorial Staff

Cindy Peterson  
Secretarial Staff

# CONTENTS

---

---

## MCAR AMENDMENTS AND ADDITIONS

### EXECUTIVE ORDERS LIST

### RULES

#### Higher Education Coordinating Board Financial Aid Division

Adopted Rules Regarding Area Vocational-Technical  
Institute Tuition Subsidy Program . . . . . 2119

#### Department of Labor and Industry Occupational Safety and Health Division

Adopted Rules Regarding Occupational Safety  
and Health . . . . . 2122

#### Department of Public Welfare Income Maintenance Division

Adopted Rule DPW 61 Early and Periodic  
Screening, Diagnosis and Treatment Program . . . . 2122

### PROPOSED RULES

#### Ethical Practices Board

Proposed Temporary Rules Governing Economic  
Interest Disclosure . . . . . 2124

### STATE CONTRACTS

#### Department of Education Instruction Division

Notice of Opening for Writer to Develop Energy  
Curriculum Materials . . . . . 2127

#### Department of Health

##### Personal Health Services-Section of Chronic Diseases

Notice of Request for Proposals for Training of  
Medical Personnel . . . . . 2127

#### Department of Natural Resources Minerals Division

Notice of Request for Proposals for Chemical  
Analysis of Peat . . . . . 2127

#### State University Board

Notice of Availability of Labor Relations  
Consultant Contract . . . . . 2127  
Notice of Availability of Consultant Contract for  
Staffing Study of Metropolitan State University . . 2128

### OFFICIAL NOTICES

#### Minnesota Energy Agency Conservation Division

Notice of Intent to Solicit Outside Opinions for  
Rules Governing Insulation Standards . . . . . 2129

#### Pollution Control Agency Solid Waste Division

Notice of Intent to Solicit Outside Opinions  
Concerning Proposed Boundary Designations  
Under the Resource Conservation and Recovery  
Act . . . . . 2129

# MCAR AMENDMENTS AND ADDITIONS

The following is a cumulative listing of all proposed and adopted rules published in the *State Register* from Volume 2, Number 1, to the present issue. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set.

## TITLE 1 CONSTITUTIONAL OFFICES

### Part 1 Attorney General

Exhibit J (adopted) . . . . . 1895

### Part 2 Secretary of State

SecStat 301, 502-513, 601, 604-607, 902-903, 1102, 1101  
2100-2106, 2108-2111, 2113, 2115 (proposed) . . . . . 784  
SecStat 4001 (proposed temporary) . . . . . 2098

### Part 3 State Treasurer

TRE 1-14 (proposed temporary) . . . . . 662  
TRE 1-15 (adopted temporary) . . . . . 1443  
*Id.* (proposed) . . . . . 1500

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

SBC 101-111, 304, 314, 326, 330, 335, 8601 (proposed) . . . . . 837  
SBC 111 (proposed) . . . . . 872  
SBC 6001-6006 (adopted) . . . . . 173  
SBC 6101-6107 (adopted) . . . . . 806  
SBC 6201-6205 (proposed) . . . . . 1095  
SBC 8601 (proposed) . . . . . 2087  
SBC 8806 (proposed) . . . . . 871  
ASHRAE Standard 90-75 (proposed) . . . . . 1095

### Part 2 Personnel Department

Pers1 4, 9, 10-12, 18-19, 21-22, 24, 28-29, 31, 39-40,  
46-47, 61, 65-66, 68, 82, 97, 106, 109, 129, 131, 133,  
135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182,  
203, 224-254 (proposed) . . . . . 254  
*Id.* (adopted) . . . . . 1236  
Pers1 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141,  
144, 181, 203 (proposed temporary) . . . . . 50  
*Id.* (adopted temporary) . . . . . 308  
*Id.* (adopted temporary extended) . . . . . 949  
Pers1 275-285 (proposed) . . . . . 92  
*Id.* (adopted) . . . . . 1494  
2 MCAR §§ 2.044, 2.048, 2.064, 2.084, 2.087 (proposed  
temporary) . . . . . 1954

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

Emergency Rules 1, 2 (adopted emergency rules) . . . . . 128  
3 MCAR §§ 1.0109-1.0113 (proposed) . . . . . 1394  
3 MCAR § 1.0338 (proposed) . . . . . 1246  
3 MCAR §§ 1.0563-1.0568 (proposed) . . . . . 248  
*Id.* (adopted) . . . . . 948  
3 MCAR §§ 1.0564-1.0565, 1.0568 (errata) . . . . . 1342  
3 MCAR §§ 1.0583-1.0585 (proposed) . . . . . 694  
*Id.* (adopted) . . . . . 1615  
3 MCAR §§ 1.0600-1.603 (proposed) . . . . . 1459

### Part 2 Livestock Sanitary Board

3 MCAR §§ 2.002, 2.005, 2.042 (proposed) . . . . . 193  
3 MCAR §§ 2.002, 2.040 (proposed) . . . . . 930  
3 MCAR § 2.002 (adopted) . . . . . 1804  
3 MCAR §§ 2.005, 2.042 (adopted) . . . . . 1393  
3 MCAR § 2.041 (adopted) . . . . . 915

## TITLE 4 COMMERCE

### Part 1 Commerce Department

BD 226, 227 (proposed) . . . . . 177  
SDiv 1501, 1503, 1505-1506, 1508-1509, 1511-1513,  
2011, 2027, 2138 (proposed) . . . . . 1518  
Uniform Conveyancing Blanks (proposed) . . . . . 1463  
INS 90, 92 (proposed) . . . . . 182  
*Id.* (adopted) . . . . . 1164  
INS 150 (proposed temporary) . . . . . 1051  
*Id.* (adopted temporary) . . . . . 1494  
*Id.* (proposed) . . . . . 1782  
INS 180-188 (proposed) . . . . . 177  
INS 200-207, 225-235 (proposed temporary) . . . . . 1672  
INS 200, 203 (errata) . . . . . 1787

### Part 3 Public Service Department

PSC 2, 5 (adopted) . . . . . 977  
PSC 120, 122-124, 128 (adopted) . . . . . 1050  
PSC 120 (errata) . . . . . 1225  
PSC 179-183, 212 (adopted) . . . . . 1874  
PSC 390-395 (adopted) . . . . . 834  
PSC 390, 392, 395 (errata) . . . . . 1384

### Part 4 Cable Communications Board

MCCB 2, 20, 46-56, 61-62, 64-77, 80, 91, 99, 103,  
111-113, 121, 134, 136, 166-168, 170-171, 201,  
225 (adopted) . . . . . 1028

### Part 5 Abstractors Board

Abs 2-10 (adopted) . . . . . 1377

### Part 6 Accountancy Board

Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63, 70-74,  
80-84, 110-112, 120-121, 140-141, 150-151, 200-205,  
210, 220-429 (adopted) . . . . . 145  
Accy 150, 160 (adopted) . . . . . 1028  
Accy 150 (proposed) . . . . . 1878

### Part 7 Architecture Board

AE&LS 9 (proposed) . . . . . 677

### Part 8 Barber Board

BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (proposed) . . . . . 410  
BE 79 (adopted) . . . . . 1164

### Part 9 Boxing Board

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

### Part 10 Cosmetology Board

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

### Part 13 Peace Officers Board

4 MCAR §§ 13.001-13.010, 13.020 (proposed temporary) . . . . . 2026

## TITLE 5 EDUCATION

### Part 1 Education Department

EDU 8, 330 (proposed) . . . . . 1539  
EDU 44 (adopted) . . . . . 915  
EDU 741, 743 (proposed temporary) . . . . . 693  
5 MCAR §§ 1.0010, 1.0720-1.0725 (proposed) . . . . . 1051  
5 MCAR §§ 1.0070-1.00791, 1.00801, 1.00811, 1.00821,  
1.00831, 1.0084-1.0086, 1.0100-1.0109, 1.01101,  
1.0111-1.0116 (proposed) . . . . . 1056  
*Id.* (adopted) . . . . . 1999  
5 MCAR §§ 1.0552-1.0559, 1.05599, 1.0762, 1.0765  
(proposed) . . . . . 1539

# MCAR AMENDMENTS AND ADDITIONS

5 MCAR §§ 1.0720-1.0725 (proposed temporary) . . . . .	251
<i>Id.</i> (adopted temporary) . . . . .	753
<i>Id.</i> (adopted temporary extended) . . . . .	1236
5 MCAR §§ 1.0741-1.0745 (proposed temporary) . . . . .	1402
<i>Id.</i> (adopted temporary) . . . . .	1974
5 MCAR §§ 1.0764, 1.0767-1.0769 (adopted temporary) . . . . .	305
<i>Id.</i> (adopted) . . . . .	915

## Part 2 Higher Education Coordinating Board

5 MCAR §§ 2.0101-2.0108, 2.0301-2.0310, 2.0401-2.0407, 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (proposed) . . . . .	696
<i>Id.</i> (adopted) . . . . .	1873
5 MCAR §§ 2.1001-2.1008 (proposed) . . . . .	1096
<i>Id.</i> (adopted) . . . . .	2119

## Part 3 Teaching Board

5 MCAR §§ 3.001, 3.003-3.015, 3.020-3.031, 3.041, 3.052-3.054, 3.065, 3.068, 3.072-3.074, 3.085-3.086, 3.102-3.103, 3.130 (proposed) . . . . .	311
5 MCAR §§ 3.003, 3.109 (adopted) . . . . .	915
5 MCAR §§ 3.073, 3.106, 3.108, 3.130, 3.131 (proposed) . . . . .	1897

## Part 4 State University Board

SCB 101-110, 201-211, 251-255, 301-309, 321-328, 401-404, 421-423, 431-433, 501-506, 601-604, 701-714, 751-753, 801-805, 901-904, 1001-1014 (proposed) . . . . .	1201
--	------

## Part 5 Arts Board

MSAB 1-8 (adopted) . . . . .	31
5 MCAR §§ 5.001-5.010 (proposed) . . . . .	2088

## Part 6 Zoological Gardens

Zoo 101-105, 201-206, 301-307, 401-409, 501-505, 601-615, 701-702 (proposed) . . . . .	1266
--	------

## TITLE 6 ENVIRONMENT

### Part 1 Natural Resources Department

NR (unnumbered) (proposed) . . . . .	1732
NR 1, 10 (proposed) . . . . .	777
NR 51, 56 (proposed) . . . . .	440
<i>Id.</i> (adopted) . . . . .	1593
NR 57 (adopted) . . . . .	2050
NR 2600, 2610, 2620, 2630, 2640 (adopted) . . . . .	174
NR 2700, 2710, 2720 (adopted) . . . . .	1664
NR 2710, 2720 (errata) . . . . .	1771
NR 5020-5026 (proposed) . . . . .	200
<i>Id.</i> (adopted) . . . . .	2050
NR 5300 (proposed) . . . . .	287
<i>Id.</i> (adopted) . . . . .	1926

### Part 2 Energy Agency

EA 300-316 (adopted) . . . . .	1038
EA 601-605, 611, 631-639, 641 (adopted) . . . . .	1444
<i>Id.</i> (adopted) . . . . .	1618
EA 701-705, 711, 721, 731-737, 741-743, 781, 791 (proposed) . . . . .	1548
EA 701, 703-704, 731, 735 (errata) . . . . .	1715
EA 1001-1005, 1011, 1021, 1031-1034, 1040-1045, 1050-1055, 1060-1065, 1081, 1091 (proposed) . . . . .	1560
6 MCAR §§ 2.1101-2.1105, 2.1111, 2.1121, 2.1131-2.1135, 2.1141-2.1144, 2.1146-2.1149, 2.1151-2.1154, 2.1156-2.1159, 2.1181, 2.1186, 2.1191 (proposed) . . . . .	1805
6 MCAR §§ 2.1103, 2.1143 (errata) . . . . .	1881

### Part 3 Environmental Quality Board

MEQB 71-82 (proposed) . . . . .	508
---------------------------------	-----

MEQB 72-73, 76-80, 82 (adopted emergency rules) . . . . .	501
MEQB 72, 79, 82 (errata) . . . . .	745
MEQB 74, 76, 78-80 (errata) . . . . .	745

## Part 4 Pollution Control Agency

APC 4, 11 (errata) . . . . .	135
HW 1-10 (proposed) . . . . .	521
SW 1-4, 6-7 (proposed) . . . . .	616
WPC 34 (proposed) . . . . .	1736
<i>Id.</i> (errata) . . . . .	1787
WPC 38 (adopted) . . . . .	833
WPC 40 (proposed) . . . . .	708
WPC 43 (proposed) . . . . .	94

## Part 5 Water and Wastewater Operator Council

WWOB 1 (proposed) . . . . .	674
<i>Id.</i> (adopted) . . . . .	1730

## Part 6 Metropolitan Waste Control Commission

MWCC 2 (proposed) . . . . .	518
<i>Id.</i> (adopted) . . . . .	1287

## Part 7 Soil and Water Conservation Board

SWC 1-5 (proposed temporary) . . . . .	970
<i>Id.</i> (proposed) . . . . .	1421
<i>Id.</i> (adopted temporary) . . . . .	1457
<i>Id.</i> (adopted temporary extended) . . . . .	2086

## TITLE 7 HEALTH

### Part 1 Health Department

MHD 123-124, 127, 131-133, Tables 123, 127, 131 (proposed) . . . . .	869
MHD 139 (proposed) . . . . .	674
<i>Id.</i> (adopted) . . . . .	1200
MHD 145-149 (emergency rules) . . . . .	381
MHD 145-150, 195, 198, 246-254 (adopted) . . . . .	1046
MHD 181-186 (adopted) . . . . .	1284
MHD 220, 224 (proposed) . . . . .	926
<i>Id.</i> (adopted) . . . . .	1726
MHD 224 (errata) . . . . .	1787
MHD 268, 279, 294, 304-306, 314-315 (proposed) . . . . .	420
<i>Id.</i> (adopted) . . . . .	1165
MHD 536-538 (adopted) . . . . .	1659
MHD 538 (errata) . . . . .	1771
7 MCAR §§ 1.174-1.178 (proposed) . . . . .	1252
7 MCAR §§ 1.370, 1.521-1.527, (adopted) . . . . .	829
7 MCAR § 1.524 (errata) . . . . .	954

### Part 4 Medical Board

7 MCAR § 4.012 (proposed) . . . . .	309
<i>Id.</i> (adopted) . . . . .	1613

### Part 5 Nursing Board

7 MCAR §§ 5.1002-5.1004, 5.1012, 5.1030, 5.1032-5.1036, 5.1060-5.1061, 5.1063, 5.1080, 5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036, 5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082 (proposed) . . . . .	227
<i>Id.</i> (adopted) . . . . .	1874
7 MCAR §§ 5.1010-5.1011, 5.1030-5.1033 (proposed) . . . . .	755

### Part 6 Nursing Home Administration Board

NHA 10, 22-23 (proposed) . . . . .	1479
------------------------------------	------

### Part 7 Optometry Board

OPT 1-8 (proposed) . . . . .	44
<i>Id.</i> (adopted) . . . . .	1669
OPT 3, 6, 8 (errata) . . . . .	1771
OPT 3 (errata) . . . . .	1832

# MCAR AMENDMENTS AND ADDITIONS

## Part 8 Pharmacy Board

PHARM 1-4, 6-12, 21, 23, 25-28, 31, 33, 36-37, 40-41, 43-46, 51, 61, 101-106, 111-118 (adopted) .....	1136
PHARM 51 (proposed) .....	1594

## Part 9 Podiatry Board

7 MCAR § 9.002 (proposed) .....	442
---------------------------------	-----

## Part 11 Veterinary Board

7 MCAR §§ 11.001-11.003, 11.007-11.008 (adopted) .....	1243
--	------

## TITLE 8 LABOR

### Part 1 Labor and Industry Department

LS 1-9, 12, 14-18 (proposed) .....	188
<i>Id.</i> (adopted) .....	1139
FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (proposed) .....	187
<i>Id.</i> (adopted) .....	1593
FEA 8 (errata) .....	1601
SRLI 8300-8312 (proposed) .....	1976
MOSHC (emergency temporary standard) .....	1664
MOSHC 1 (emergency rule) .....	145
<i>Id.</i> (emergency rule) .....	673
<i>Id.</i> (emergency rule) .....	753
<i>Id.</i> (adopted) .....	969
<i>Id.</i> (withdrawn) .....	1378
<i>Id.</i> (proposed) .....	1380
<i>Id.</i> (adopted) .....	1729
MOSHC 270-271, 274-283, 290-306, 310-313, 315-317, 320-336 (proposed) .....	149
<i>Id.</i> (adopted) .....	2122

### Part 3 Public Employment Relations Board

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

### Part 4 Economic Security Department

8 MCAR § 4.0010 (proposed) .....	1147
<i>Id.</i> (adopted) .....	1951

## TITLE 9 LAW

### Part 1 Ethical Practices Board

9 MCAR §§ 1.0100-1.0111 (proposed temporary) .....	2124
9 MCAR §§ 1.0001-1.0046 (proposed) .....	2005

### Part 2 Hearing Examiners

HE 102-112, 202-206, 209-214, 216-218, 222 (proposed) ...	382
HE 401-418 (adopted temporary) .....	85
<i>Id.</i> (proposed) .....	382
<i>Id.</i> (adopted) .....	1798
HE 404, 408, 414 (errata) .....	1881

## TITLE 10 PLANNING

### Part 1 State Planning Agency

10 MCAR §§ 1.305-1.306 (proposed temporary) .....	146
<i>Id.</i> (adopted temporary) .....	673
10 MCAR §§ 1.305-1.310 (proposed) .....	1639

### Part 3 Municipal Board

MMC 20 (proposed) .....	1731
-------------------------	------

### Part 4 Metropolitan Council

MC 1-11 (proposed) .....	1355
--------------------------	------

## TITLE 11

### Part 1 Public Safety Department

DES 94, 129-130, 140-141 (proposed) .....	443
<i>Id.</i> (adopted) .....	1167
MoVeh 58 (adopted) .....	33
MoVeh 70-82 (adopted) .....	145
Liq 1-3, 24-25, 27-35, 38-39, 56, 67, 71-78, 83-84, 92,	

95, 98-100, 123 (proposed) .....	96
11 MCAR §§ 1.5067-1.5070 (proposed) .....	891
<i>Id.</i> (adopted) .....	1933

## Part 2 Corrections Department

CORR 1-12 (adopted) .....	84
CORR 4 (errata) .....	135
CORR 100-112 (adopted) .....	1842
CORR 200-203 (emergency rules) .....	407
<i>Id.</i> (adopted temporary) .....	969

## Part 3 Crime Control Planning Board

CCPB 101-109, 201-204 (proposed) .....	1631
--	------

## TITLE 12 SOCIAL SERVICE

### Part 1 Public Welfare Department

DPW 1 (adopted) .....	1168
DPW 3 (adopted) .....	1182
DPW 17 (proposed) .....	1404
DPW 30 (proposed temporary) .....	132
DPW 30, 33 (adopted temporary) .....	754
<i>Id.</i> (adopted temporary extended) .....	1168
DPW 30 (proposed) .....	1634
DPW 33 (proposed temporary) .....	133
DPW 43 (proposed) .....	1755
DPW 44 (errata) .....	998
DPW 47 (adopted) .....	353
<i>Id.</i> (proposed) .....	677
<i>Id.</i> (adopted) .....	1617
<i>Id.</i> (proposed) .....	1955
DPW 49 (proposed temporary) .....	234
<i>Id.</i> (adopted) .....	245
<i>Id.</i> (adopted temporary) .....	507
<i>Id.</i> (proposed) .....	617
<i>Id.</i> (proposed temporary) .....	1596
<i>Id.</i> (proposed temporary) .....	1825
<i>Id.</i> (proposed) .....	1935
<i>Id.</i> (errata) .....	1939
DPW 52 (adopted) .....	34
DPW 56 (proposed) .....	1100
DPW 60 (proposed) .....	1102
<i>Id.</i> (adopted) .....	1974
<i>Id.</i> (adopted temporary) .....	1239
DPW 61 (proposed) .....	1112
<i>Id.</i> (adopted) .....	2122
DPW 62 (proposed) .....	1118
DPW 63 (proposed temporary) .....	2011
<i>Id.</i> (proposed) .....	2012
DPW 94, 104, 116, 125, 128, 131-132, 140, 141 (proposed) .	455
<i>Id.</i> (adopted) .....	1189
DPW 125-126, 128, 130-132, 135, 140 (proposed) .....	633
<i>Id.</i> (adopted) .....	1496
DPW 160 (proposed) .....	60
<i>Id.</i> (proposed) .....	160
<i>Id.</i> (errata) .....	164
DPW 162 (proposed) .....	1751
DPW 171, 200, 210-218 (adopted) .....	1093
<i>Id.</i> (errata) .....	1225

### Part 3 Housing Finance Agency

MHFA 1-17, 31-36, 51, 61-69, 111-115 (adopted) .....	306
MHFA 120-121 (proposed) .....	675
<i>Id.</i> (adopted) .....	1873
MHFA 131-135 (proposed temporary) .....	1359
<i>Id.</i> (proposed) .....	1575

# MCAR AMENDMENTS AND ADDITIONS

---

## TITLE 13 TAXATION

### Part 1 Revenue Department

Tax S&U 101, 104, 107-109, 112, 115-117, 202, 204, 207-208, 211-212, 302, 401, 404, 407-408, 411, 415, 421-422, 508, 510-511, 601, 604, 607-610 (proposed) .....	1288
Tax S&U 104 (errata) .....	1601

### Part 2 Tax Court

13 MCAR §§ 2.001-2.017 (proposed) .....	1260
<i>Id.</i> (adopted) .....	1877

## TITLE 14 TRANSPORTATION

### Part 1 Transportation Department

14 MCAR §§ 1.4025-1.4028 (proposed temporary) .....	892
<i>Id.</i> (adopted temporary) .....	1200
<i>Id.</i> (adopted temporary) .....	1515
<i>Id.</i> (adopted temporary extended) .....	2086
<i>Id.</i> (proposed) .....	1761
14 MCAR § 1.5041 (proposed temporary) .....	1360
<i>Id.</i> (adopted temporary) .....	1894
<i>Id.</i> (adopted temporary extended) .....	2086

# EXECUTIVE ORDERS LIST

The following is a cumulative listing of all executive orders published in the *State Register* from Volume 2, Number 1, to the present issue. The listing is arranged in numerical order by executive order number.

## Executive Order Number

## Title

## Issue Page

144A	Amending Executive Order 144 Creating the Governor's Appointments Commission . . . . .	27	1352
149	Providing for a State Materials Inventory Management Program . . . . .	3	125
150	Creating the Agriculture Commissioner Search Committee . . . . .	3	126
151	Writ of Special Election to Fill Vacancy in the Office of the State Representative of District 22B within the Counties of Hennepin, McLeod, Meeker and Wright, State of Minnesota, and of Special Primary Election to Nominate Candidates for Said Office . . . . .	7	285
152	Creating Crime Control Planning Regions . . . . .	10	405
153	Providing for Assistance to Officials of the State of Minnesota (Emergency Executive Order) . . . . .	10	406
156	Creating a Committee for the Governor's Pre-White House Conference on Libraries . . . . .	16	805
157	Assigning Emergency Responsibilities to State Agencies and Repealing Executive Orders 102 and 102A . . . . .	21	1008
158	Writ of Special Election to Fill Vacancy in the Office of the State Senator of District 49 within the Counties of Anoka and Ramsey, State of Minnesota, and of Special Primary Election to Nominate Candidates for Said Election . . . . .	19	964
159	Providing for the Establishment of the Governor's Council on Employment and Training and Repealing Executive Orders 79 and 79A . . . . .	19	965
160	Providing for the Transfer of the Administration of State and Federally-Funded Programs Previously Administered by the Governor's Manpower Office to the Department of Economic Security, and Repealing Executive Order No. 125 . . . . .	19	966
161	Writ of Special Election to Fill Vacancy in the Office of the State Representative of District 35A within the Counties of Mower, Fillmore, and Olmsted, State of Minnesota, and of Special Primary Election to Nominate Candidates for Said Election . . . . .	21	1026
162	Providing for Assistance to Officials of Lake of the Woods County, Minnesota (Emergency Executive Order) . . . . .	22	1092
163	Providing for Referenda to Determine Inclusion of members of the Minneapolis Teachers Retirement Fund Association, St. Paul Teachers Retirement Fund Association and Minneapolis Municipal Employees Retirement Fund in the State Social Security Agreement . . . . .	27	1353
164	Providing for Assistance to Officials of Polk County, Minnesota (Emergency Executive Order) . . . . .	27	1354
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 . . . . .	31	1441
166	Providing for Assistance to Officials of the State of Minnesota (Emergency Executive Order) . . . . .	32	1493
167	Providing for Assistance to Officials of Polk County, Minnesota (Emergency Executive Order) . . . . .	33	1513
168	Providing for the Reaffirmation of the Establishment of an Affirmative Action Program and Repealing Executive Order Nos. 76 and 76A . . . . .	36	1657
169	Providing for Assistance to Officials of Polk County, Minnesota (Emergency Executive Order) . . . . .	43	1950
170	Providing for Assistance to Officials of St. Louis County, Minnesota (Emergency Executive Order) . . . . .	45	1998



# RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption as proposed and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

---

---

## Higher Education Coordinating Board Financial Aid Division Adopted Rules Regarding Area Vocational-Technical Institute Tuition Subsidy Program

The rules published at the *State Register*, Volume 2, Number 22, p. 1096, December 5, 1977 (2 S.R. 1096), are adopted and are identical to their proposed form, with the following amendments:

Chapter Ten: Area Vocational-Technical Institute Tuition ~~Grant~~ Subsidy Program

**5 MCAR § 2.1001 Purpose.** The purpose of this chapter is to augment Laws of 1977, ch. 447, Article 5, Section 11, to be codified as Minn. Stat. § 136A.236, establishing a state program of tuition ~~grants~~ subsidies for students in attendance at Minnesota area vocational-technical institutes by providing standards, criteria, rules, and regulations therefore.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

**5 MCAR § 2.1002 Definitions.** The following terms shall have the meaning hereinafter ascribed to them:

A. "Eligible institution" shall be any public post-secondary vocational-technical institute established pursuant to Minn. Stat. § 121.21, as amended.

B. "Eligible student" shall be any student:

1. who is granted admission to and enrolled in good standing or accepted for enrollment in an eligible institution at the time of application to the tuition ~~grant~~ subsidy program;

2. who is under 21 years of age at the time of application to the tuition ~~grant~~ subsidy program;

3. who is under 21 years of age for some portion of the fiscal year during which the tuition ~~grant~~ subsidy will be utilized;

~~4. who qualifies for payment of resident tuition at the eligible institution (those qualifying for resident tuition through the interstate tuition reciprocity agreements are not eligible) and,~~

4. who qualifies for payment of resident tuition at the eligible institution pursuant to the then-current State Board of Education rules pertaining to vocational-technical education (those qualifying for resident tuition through the interstate tuition reciprocity agreements are not eligible); and

5. who is not receiving a Minnesota State Scholarship or Grant-in-Aid for the period of attendance for which the tuition ~~grant~~ subsidy has been awarded.

C. "Educational costs" shall include tuition and processing fees, room and board, books, and miscellaneous expenses as applicable for each educational program as approved by the Board in an annual budget survey of all eligible institutions.

D. "Educational program" shall be an approved State Board of Education course of study pursued by the applicant.

E. "ADM" shall be the projected average daily membership for each eligible institution as approved by the State Department of Education, Vocational-Technical Division, adjusted by actual figures, as available, for the fiscal year for which program funds are allocated.

# RULES

## 5 MCAR § 2.1001

F. "Application date" shall be the date on which the eligible student files an application for a tuition grant subsidy with the financial aid officer of the eligible institution of attendance.

G. "Financial aid officer" shall be the person responsible for the administration of financial aid programs at the eligible institution.

H. "Executive Director" shall be the Executive Director of the Minnesota Higher Education Coordinating Board.

I. "Board" shall be the Minnesota Higher Education Coordinating Board.

J. "Fiscal year" shall be that period of time from July 1 to June 30.

## 5 MCAR § 2.1003 Nature of tuition grants subsidies.

A. Tuition grants subsidies shall be awarded for the lesser of one year or the period approved by the State Board of Education for completion of the applicant's educational program. Reapplication must be made if additional tuition grants subsidies are required for subsequent periods.

B. Tuition grants subsidies shall not be disbursed directly to the recipient but to the eligible institution attended by the recipient, resulting in a reduction of tuition charges.

C. The eligible institution shall have responsibility for accounting for all funds designated for each recipient attending that institution.

D. Tuition grants subsidies shall be awarded for the fiscal year of disbursement only. For educational programs extending across fiscal years, a tuition grant subsidy shall be prorated to the fiscal year-end. Reapplication shall be necessary to obtain a tuition grant subsidy for the remainder of the educational program. Subsequent grants subsidies shall be contingent upon availability of funds, continued demonstration of financial need, and continued eligibility.

E. Application for a tuition grant subsidy may be made preceding or during attendance in the applicant's educational program. Reduction of tuition caused by the receipt of a tuition grant subsidy shall begin with the first day of classes for the applicant's educational program for the applicant who applied prior to the first day of classes for the applicant's educational program. Reduction of tuition caused by the receipt of a tuition grant subsidy shall begin with the application date for an applicant who applied subsequent to the first day of classes for the applicant's educational program. Retroactive reduction of tuition shall not be granted.

F. Payment of tuition may be deferred during the application process. Applicants receiving tuition grant subsidy shall be responsible, upon notification of such grants, subsidies, for all tuition which accrued during the application process and which is not subsidized by the grant subsidy. Applicants not receiving tuition grants subsidies may, upon notification of denial, promptly withdraw from the eligible institution and be forgiven all tuition which accrued during the application process. Applicants not receiving tuition grants subsidies who choose not to withdraw from the eligible institution shall be responsible for all tuition which accrued during the application process.

G. Recipients of tuition grants subsidies who subsequently receive payment of a Minnesota State Scholarship or Grant-in-Aid for the same period of attendance for which the tuition grant subsidy was awarded shall be responsible for reimbursing the eligible institution for all tuition subsidized through the tuition grant subsidy program.

H. Recipients of tuition grants subsidies who choose to change educational programs within the eligible institution need not reapply but must be reevaluated concerning continued financial need. Cessation of the tuition grant subsidy because of lack of financial need or adjustment of the amount of the tuition grant subsidy shall begin with the date of transfer to a different educational program within the eligible institution.

I. Recipients of tuition grants subsidies who choose to transfer to another eligible institution must reapply if a tuition grant subsidy is desired. Subsequent grants subsidies shall be contingent upon availability of funds, continued demonstration of financial need, and continued eligibility.

J. Applicants who are denied a tuition grant subsidy and who have not begun a new educational program or have not transferred to another eligible institution may not reapply during the same fiscal year except with the permission of the financial aid officer of the eligible institution.

## 5 MCAR § 2.1004 Determination of financial need.

A. The determination of family contribution shall be made by a nationally recognized student financial assistance service utilizing uniform methodology as approved by the United States Office of Education or the Basic Grant needs analysis procedures subject to the review and approval of the Board.

A. The determination of family contribution shall be made, subject to review and approval of the Board, by a nationally recognized student financial assistance service utilizing either uniform methodology, including that approved by the United States Office of Education, or the Basic Educational Opportunity Grant needs analysis.

# RULES

B. Demonstrated financial need shall be that portion of educational costs remaining after the application of family contribution, as determined according to 5 MCAR § 2.1004 A., the Basic Education Opportunity Grant, and assistance not controlled by the eligible institution.

## 5 MCAR § 2.1005 Amount of tuition ~~grants~~ subsidies.

The amount of a tuition ~~grant~~ subsidy shall be based on the demonstrated financial need of the applicant as defined in 5 MCAR § 2.1004 but in no instance shall exceed 75 percent of the cost of tuition for the applicant's educational program for the period of the tuition ~~grant~~ subsidy. An applicant whose demonstrated financial need does not exceed 5 percent of the cost of tuition shall not receive a tuition ~~grant~~ subsidy.

## 5 MCAR § 2.1006 Institution responsibility — selection and reporting.

A. Eligible students shall make application to the eligible institution of attendance. Recipients shall be selected by the eligible institution under the provisions of the rules and regulations.

B. Each eligible institution shall be required to solicit demographic, educational, and financial data from eligible students requesting tuition ~~grants~~ subsidies as specified by the Board prior to each fiscal year.

C. Annually, all eligible institutions shall make available upon request of the Board reports of all such data collected.

## 5 MCAR § 2.1007 Allocation and disbursement of funds.

A. Funds shall be allocated to eligible institutions according to the following formula:

ADM divided by the total ADM for all eligible institutions multiplied by the then-current appropriation as provided for by the Minnesota Legislature.

B. Annually, no later than June 30, the Board shall notify each eligible institution of the amount of funds allocated for the next fiscal year according to the formula specified in 5 MCAR § 2.1007 A.

C. No later than August 1, each eligible institution shall inform the Board of funds needed to meet commitments during the current quarter. The Board shall disburse such requested funds no later than August 15.

## 5 MCAR § 2.1008

For the remaining three quarters of the fiscal year, each eligible institution shall notify the Board by the last working day of each quarter of funds needed to meet commitments during the next quarter. The Board shall disburse such requested funds within five working days of the first day of each quarter.

D. Periodically, at the request of the Board, each eligible institution shall inform the Board of projected utilization of allocated funds. Unneeded funds shall be released by the eligible institution and shall be available for reallocation according to the formula defined in 5 MCAR § 2.1007 A. to eligible institutions requiring funds in excess of the original allocation for the fiscal year.

E. Each eligible institution shall be accountable, in accordance with existing state law, for any funds disbursed. Allocated funds shall be used only during the fiscal year of disbursement and disbursed, but unused, funds must be remitted to the Board within thirty days of the fiscal year-end.

F. Each eligible institution shall be responsible for refunds of unused tuition ~~grants~~ subsidies necessitated by the withdrawal of any students. The eligible institution may apply any refunded amounts to other eligible students or remit such funds to the Board under provisions of 5 MCAR § 2.1007.

**5 MCAR § 2.1008 Delegation of authority.** ~~The Executive Director is hereby delegated necessary authority and responsibility for administration of the Area Vocational-Technical Institute Tuition Grant Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing terms and conditions and agreements with eligible institutions, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Area Vocational-Technical Institute Tuition Grant Program. The Executive Director is hereby delegated necessary authority and responsibility for administration of the Area Vocational-Technical Institute Tuition Subsidy Program in accordance with these rules, state law and applicable federal laws and regulations.~~

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

# RULES

MOSHC 277

## Department of Labor and Industry Occupational Safety and Health Division Adopted Rules Regarding Occupational Safety and Health

The Minnesota Occupational Safety and Health Rules and Regulations as published in the *State Register*, Volume 2, Number 4, page 149, August 1, 1977 (2 S.R. 149) are adopted, with the exception of Chapter Twenty-five, Monitoring Toxic Materials and Harmful Physical Agents, which is deleted in its entirety. The adopted rules are identical to their proposed form, with the following amendments:

Chapter Twenty-one: Inspection, Citations and Proposed Penalties

**MOSHC 277 Consultation with employers and employees.**

C. The authorized representative of employees shall also be given the opportunity to participate in any conference or discussion held prior to or during any such inspection. The investigator will, however, hold a private conference with either the employee representative or the employer at either's request.

~~MOSHC 278 Complaints by Employees~~

A. Any employee or representative of employees who believes that a violation of the Act exists in any workplace where such employee is employed may request an inspection of such workplace by giving notice of the alleged violation to the Commissioner or an OSHH. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the employer or his agent by the Commissioner or OSHH no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released or made available by the Department of Labor and Industry.

B. If upon receipt of such notification the Commissioner determines that the complaint meets the requirements set forth in paragraph A of this section, and that there are reasonable grounds to believe that the alleged violation exists, he shall cause an inspection to be made as soon as practica-

ble, to determine if such alleged violation exists. Inspection under this section shall not be limited to matters referred to in the complaint.

C. During any inspection of a workplace, any employee or representative of employees employed in such workplace may notify the OSHH of any violation of the Act which they have reason to believe exists in such workplace.

Chapter Twenty-four: Standards Promulgation

**MOSHC 324 Objections**

A. Objections submitted pursuant to MOSHC 323 A.2.c. shall comply with the following conditions:

5. The objections must be accompanied by a summary of the evidence proposed to be adduced.

~~MOSHC 325 Emergency Temporary Standards. Whenever an emergency temporary standard is published pursuant to Minn. Stat. § 182.655, subd. 11, the Commissioner must commence a standards promulgation proceeding under Minn. Stat. § 182.655, subd. 2, and MOSHC 323 A.2. The standard as published shall serve as a proposed rule. Any notice of proposed rulemaking shall also give notice of any appropriate subsidiary proposals.~~

## Department of Public Welfare Income Maintenance Division

### Adopted Rule DPW 61 Early and Periodic Screening, Diagnosis and Treatment Program

The rule published at *State Register*, Volume 2, Number 22, p. 1112, December 5, 1977 (2 S.R. 1112), is adopted and is identical to its proposed form, except for the following amendments:

B. 6. EPSDT Provider agreement: An agreement between a provider of screening services and the Department that the provider, in order to qualify for Medical Assistance reimbursement, will screen each Medical Assistance child according to the appropriate screening standards specified in Section E. D. of this rule, will report all findings on the EPSDT billing form, and will refer children according to procedures specified in Section G. 3. G. 2. of this rule.

# RULES

DPW 61

B. 8. Local agency: The county welfare board, multi-county welfare board, or human service agency established in accordance with state law, and responsible for the administration of the EPSDT Program at the county level.

D. 3. ~~Unclotted~~ Physical Examination: The following areas must be checked according to accepted medical procedures: pulse, respiration, blood pressure, head, eyes, ears, nose, mouth, pharynx, neck, chest, heart, lungs, abdomen, spine, genitals, extremities, joints, muscle tone, skin, and neurological examination.

D. 5. a. (1) (b) Family history of ocular abnormalities, such as color blindness or retinitis pigmentata.

D. 5. B. (1) Must be checked for all of the items contained in Section ~~E. 5. a.~~ D. 5. a.

D. 6. b. (1) Must be observed for all of the items contained in Section ~~E. 6. a.~~ D. 6. a. (1) through (4) above.

D. 10. Immunizations: The immunization status of all children must be checked. Needed immunizations must be offered and provided if requested, or referral made so that the child can receive the needed immunizations. Immunizations must be administered according to the Recommended Schedule of Immunizations developed by the Minnesota Department of Health and approved by the Minnesota Medical Association.

D. 12. Variation From Screening Procedures: If a provider wishes to substitute other procedures for those contained in Section D. 1. through D. 11., or wishes to omit any of the required procedures, written application must be made to the EPSDT Section in the Department. All such requests shall be reviewed by a Physician Advisory Committee and a decision on the request shall be made by the Committee, in writing within 30 days of the receipt of the request.

F. 1. The Department will offer all children who have been screened the opportunity for rescreening at the following ages: six months, nine months, one year, eighteen months, two years, four years, and every three years thereafter. ~~The Department will offer screening services on a yearly basis to children who have not been screened. The~~

Department will notify all eligible recipients of the availability of screening services at least once a year if they have not received an initial screening.

G. 3. All screening providers must sign an EPSDT Provider Agreement whereby they agree to the provisions of Sections ~~D through~~ G. 1. and G. 2. above.

H. 2. Diagnosis and treatment providers must bill according to regular Medical Assistance procedures as outlined in DPW Rule 47. In addition, providers who diagnose or treat a child who has been screened, pursuant to Sections ~~E. and F.~~ D and E above, must complete the billing invoice so as to indicate that this child is being diagnosed or treated as part of the EPSDT Program. The Department will make payments according to regular Medical Assistance procedures as specified in DPW Rule 47.

I. 1. a. The local agency must notify all applicants for programs which include Medical Assistance eligibility about the EPSDT Program, if the applicant or any of his/her children are under 21 years of age.

I. 1. a. (3) The local agency must obtain a definite response in writing from each applicant for each child in the family within thirty days of the date of notification.

I. 6. b. The local agency must discuss the availability of EPSDT services with the parents of all foster children who are eligible for Medical Assistance and who are under the legal custody of the local agency or whose parents have entered into a voluntary placement agreement with the local agency, except when the natural parents are not available for such a discussion. If the parent is not consulted, the local agency must decide whether or not to accept EPSDT services for the child and must document the reasons for such a decision. The local agency must assist the parent in deciding whether to accept EPSDT services.

I. 6. d. The Department will notify the local agency in writing when foster children who are eligible for Medical Assistance are eligible for periodic rescreenings. The local agency must handle these notifications as specified in Section ~~5. a. 6. a. and 5. b. 6. b.~~ above.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

# PROPOSED RULES

---

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

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 time 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.

---

## Ethical Practices Board Proposed Temporary Rules Governing Economic Interest Disclosure

### Request for Public Comment

Pursuant to Minn. Stat. 15.0412, subd. 5, the Ethical Practices Board shall afford all interested persons an opportunity to submit data and comments concerning these proposed temporary Economic Interest Rules. All comments shall be submitted in writing to the Board, not later than the close of business on Tuesday, June 20, 1978.

Under Minn. Stat. 10A.01, subd. 11, and 10A.03 (1976), any individual\* engaged for pay or other consideration, or authorized to spend money, who spends in excess of five hours in any month or in excess of \$250 in a calendar year to influence legislative and administrative action, such as the promulgation of these rules, by communicating with, or urging others to communicate with public officials must register with the State Ethical Practices Board as a lobbyist within five days.

### Temporary Rules as Proposed

Rules and Regulations Relating to Economic Interest Disclosure

Chapter Two

Replacing Vacated Rule EPB 100

---

\*with certain exceptions

9 MCAR §§ 1.0100-1.0111

Supersedes and repeals EPB Rule 100. Pursuant to Laws of 1978, ch. 463, § 108, these temporary rules are adopted to give effect to the economic interest provisions of Minn. Stat. ch. 10A, the Ethics In Government Act, as amended by Laws of 1978, ch. 463, and shall be effective until permanent rules are adopted pursuant to Minn. Stat. ch. 15 or until October 1, 1979, whichever occurs first.

### 9 MCAR § 1.0100 Acting public official.

A. An individual who is employed or appointed as an acting public official is required to file a statement of economic interest.

B. An individual who held a position as a public official during the calendar year preceding the annual filing date for filing statements of economic interest, but who resigned before the statement was required to be filed, must file for the period covered before resignation.

**9 MCAR § 1.0101 Business with which the individual is associated.** A public official who holds a joint interest in a security, or in a partnership, shall disclose ownership in the security or the partnership if he or her proportionate share of the holding is valued at \$2,500.00 or more.

**9 MCAR § 1.0102 Compensation.** "Compensation" includes every kind of compensation for labor or personal services from private or public employment. It does not include alimony or child support payments.

### 9 MCAR § 1.0103 Compensation in any month.

A. For the purpose of an original Statement of Economic Interest, "compensation in any month" includes only compensation received in the calendar month immediately preceding the date of appointment as a public official or filing as a candidate.

B. For the purpose of supplementary Statements of Economic Interest to be filed on April 15, "compensation in any month" includes compensation and honorariums received in any month between the end of the period covered in the preceding Statement of Economic Interest and March 31, inclusive.

C. For the purpose of calculating the amount of compensation received from any single source in a single month, such amount shall include the total amount received from such source during the month, whether or not the amount covers compensation for more than one month.

**9 MCAR § 1.0104 Date of appointment.** "Date of Appointment" means the effective date of the appointment to a position.

# PROPOSED RULES

## 9 MCAR § 1.0105 Late filing fees.

A. The Board may grant a waiver of a late filing fee for sickness or injury of the filer, or other compelling reasons. A written request for a waiver must be submitted not later than the fifth business day after filing the late statement. For purposes of this rule, business day means 8:00 a.m. to 4:30 p.m. Monday through Friday except for official state holidays.

B. A late filing fee will be charged through the day preceding the day of filing of a late statement.

C. The Board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. If a certified letter is returned by the post office to the Board as refused, then the letter shall be deemed to have been received by the addressee. The late filing fee will then commence accumulating on the eighth day after refusal. A certified letter returned to the Board as undelivered or refused shall be forwarded by first class mail to the public official or candidate.

**9 MCAR § 1.0106 Honorarium.** "Honorarium" includes anything of value received for services for which there is no obligation to make payment; for example, a speech, an article, or similar service. Honorariums are not reported on original statements.

**9 MCAR § 1.0107 Occupation and principal place of business.** For statement of occupation, the individual shall state his or her principal occupation; i.e., the occupation at which he or she spends most of his or her working hours or which provides his or her major source of compensation. "Principal place of business" means the name of the entity providing the individual's principal occupation.

## 9 MCAR § 1.0108 Real property.

A. For the purpose of determining the value of an individual's interest in real property, the value of the property shall be the market value shown on the property tax statement.

B. For the purpose of an original Statement of Economic Interest, the individual shall disclose only those real properties owned on the date of appointment as a public official or filing as a candidate.

C. For the purpose of a supplementary Statement of Economic Interest, the individual shall disclose any real property owned at any time between the end of the period covered by the preceding Statement of Economic Interest

## 9 MCAR § 1.0111

and through the last day of the month preceding the current filing.

## 9 MCAR § 1.0109 Securities.

A. "Securities" includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. "Securities" does not include deposits in a savings account or shares in a pension fund.

B. A "Holder of Securities" or an individual who "Holds Securities" is an individual having an ownership interest in any security as defined herein, or who is the trustee or beneficiary of a trust.

C. For the purpose of an original Statement of Economic Interest, "Securities" includes only securities held on the date of appointment as a public official or filing as a candidate.

D. For the purpose of a supplementary Statement of Economic Interest, "Securities" includes any security held at any time between the end of the period covered by the preceding Statement of Economic Interest and through the last day of the month preceding the current filing.

E. For the purpose of indicating the address of the entity in which a security is held, the registered office or principal place of business shall be stated, except that if a security is listed on one of the national security exchanges, and the address of the entity is not known, the name of the exchange shall suffice.

**9 MCAR § 1.0110 Sources of compensation.** "Sources of Compensation" means the name of the corporation, partnership or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed (e.g. farming, practice of law, etc.) and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate in his or her capacity as a self-employed individual.

## 9 MCAR § 1.0111 Time for filing.

A. A Statement of Economic Interest is considered filed if delivered to the Ethical Practices Board by 4:30 p.m. of the prescribed filing date or postmarked by midnight two days before the filing date.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

## PROPOSED RULES

---

---

### 9 MCAR § 1.0111

B. An individual shall not be required to file more than one Statement of Economic Interest in any year; except that a public official who has filed a Statement of Economic Interest within the calendar year as a public official, must file a supplementary statement within 14 days after filing an affidavit of candidacy or submitting a petition to appear on the ballot.

C. A public official or candidate, who previously filed a Statement of Economic Interest and who is required to file a new Statement of Economic Interest following a period when no statement was required, shall file an original statement.



# STATE CONTRACTS

---

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

---

## Department of Education Instruction Division

### Notice of Opening for Writer to Develop Energy Curriculum Materials

A curriculum writer is needed by the Department of Education on June 31, 1978 for the purpose of designing energy curriculum materials appropriate to grades 7-12 and covering the following academic areas:

- a. science
- b. home economics
- c. social studies
- d. industrial arts

The writer must have extensive experience in curriculum development at the secondary level. A background in energy is desirable. The writer will be responsible for working with the Education Department Energy Task Force, for attending a writing conference, for field-testing materials and for rewriting them in final form. In addition the writer is responsible for developing product format, including preliminary and final art work and providing the Department with either camera-ready copy or complete mock-ups ready for the printer.

The estimated contract will be \$21,000. This price includes all of the above responsibilities. Interested persons are invited to contact the Department by sending vitae and samples of their work to Mr. Richard C. Clark, Science Specialist, State Department of Education, Capitol Square Building, 550 Cedar St., St. Paul, MN 55101.

## Department of Health Personal Health Services- Section of Chronic Diseases

### Notice of Request for Proposals for Training of Medical Personnel

A Request For Proposals (RFP) was issued by the Chronic Disease Section, Department of Health, on June 5, 1978, for the purpose of training a minimum of 200 nurses and/or other medical personnel to provide follow-up care, support, and education needed to motivate hypertensive patients to comply with their therapeutic regimen. As many as two grants not to exceed \$24,000 may be awarded to develop and carry out this training program. Proposals must be received prior to 4:30 p.m., June 28, 1978. Persons or organizations wishing to receive this RFP should contact Gerald Twogood, Chronic Disease Section, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Telephone, 612/296-5216

## Department of Natural Resources Minerals Division

### Notice of Request for Proposals for Chemical Analysis of Peat

The analytical information obtained from chemical analyses of peat will complement the chemical data already available. These new analyses will be directly related to the potential of Minnesota peat for chemical/industrial uses.

Estimated Cost: \$15,000

Contact Person: Barbara Coffin 296-4807

Submission Deadline: June 9, 1978

## State University Board

### Notice of Availability of Labor Relations Consultant Contract

Description: Notice is hereby given that the State University Board intends to enter into a consultant contract in the area of labor relations. The consultant will be accountable to the Chancellor of the State University System for assisting in contract negotiations with possible arbitration. The con-

## STATE CONTRACTS

---

---

sultant must have prior experience in negotiating collective bargaining agreements for institutions of higher education.

Contact Person: Lance Teachworth, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Phone: (612) 296-3846.

Estimated Cost: Approximately \$15,000.

Submission Deadline: Interested parties must submit information to Lance Teachworth by 4:30 p.m., June 2, 1978.

### **Notice of Availability of Consultant Contract for Staffing Study of Metropolitan State University**

Description: The State University Board hereby gives notice of its intent to enter into a consultant contract for the purpose of conducting a staffing study of Metropolitan State University.

Contact Person: Lance Teachworth, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Phone (612) 296-3846.

Estimated Cost: Approximately \$12,000

Submission Deadline: Interested parties must submit information to Lance Teachworth by 4:30 p.m., June 2, 1978.

# OFFICIAL NOTICES

---

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

---

## Minnesota Energy Agency Conservation Division

### Notice of Intent to Solicit Outside Opinion for Rules Governing Insulation Standards

Notice is hereby given that the Minnesota Energy Agency, Conservation Division, is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the quality, information, and product safety specifications for the manufacture, labeling, installation and thermographing of insulation. These rules are required by Laws of 1978, ch. 786, § 5. Any interested persons may submit data or views on this subject in writing or orally by June 15, 1978 to:

Karen Martin  
Minnesota Energy Agency  
980 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

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

## Pollution Control Agency Division of Solid Waste

### Notice of Intent to Solicit Outside Opinions Concerning Proposed Boundary Designations Under the Resource Conservation and Recovery Act

The Minnesota Pollution Control Agency (MPCA) has

been designated by Governor Perpich to implement the Federal Resource Conservation and Recovery Act of 1976 (RCRA) in Minnesota. The Act seeks to ensure environmentally sound control and disposal of hazardous and solid wastes in the United States and to encourage the conservation of our natural resources. The Act encourages states which accept its mandates to develop plans and programs for cradle-to-grave control of hazardous wastes, upgrading or closure of open dumps, and promotion of resource recovery from solid wastes and the reduction of solid waste generation wherever feasible. It is the intent of the Act to meet these objectives in part by promoting cooperation among federal, state, and local governments.

Two of the major actions set out in the Act which are designed to promote cooperation are: (1) to identify "regions" within each state which are appropriate to plan for solid waste management services, and (2) to identify "agencies" within these regions which will be responsible for solid waste planning and for implementing these plans. These actions are but a step in the development of a "State Plan" which will identify regions and agencies as required.

Until recent years, the emphasis in handling solid waste has been primarily on upgrading the land disposal of municipal refuse. However, the ever-increasing generation of solid waste and its complexity, the adverse environmental effects of land disposal, and the increasing scarcity of energy and resources offer sound rationale for reevaluating and redirecting current solid waste management practices. RCRA greatly expands the definition of solid waste to include not only municipal refuse, but also hazardous wastes, certain industrial process waste, pollution control residues, municipal sewage sludge, mining and agricultural wastes. The Act requires states to assign planning and implementation responsibilities for collection, transportation, storage, processing and environmentally sound disposal or recovery of each of these types of solid waste to appropriate agencies.

Before implementation responsibilities can be assigned, state plans need to be developed for solid waste management and resource recovery. The state plans will include inventories of the amounts of wastes generated and the sites being used to dispose of them.

As required in the Act, the U.S. Environmental Protection Agency (EPA) published guidelines for the identification process in the Federal Register on May 16, 1977. These guidelines assign the Governor the responsibility for identifying regions within each state after consultation with local officials. Agency identification is to be the joint responsibility of state and local governments. Consistent with the intent of these guidelines and the Act, MPCA mailed a letter November 4, 1977, and published a notice in the Environmental Quality Board Monitor December 5, 1977, soliciting ideas, comments and suggestions from local governments, regional commissions, solid waste and water quality man-

## OFFICIAL NOTICES

---

agement planning agencies, area-wide A-95 clearinghouses, state agencies, and from representatives of the solid waste industry and other interested parties. Comments received indicate that interest exists to assist in shaping Minnesota's program.

In consideration of the issues surrounding solid waste management in the State of Minnesota and the comments received, MPCA plans to do two things.

First, MPCA intends to ask Governor Perpich to make the following designations: The Western Lake Superior Sanitary District will be designated as a regional boundary. Language in the Act requires the Governor to designate the seven-county Minneapolis-St. Paul area as a regional boundary and the Metropolitan Council as the implementing agency. The balance-of-state will be designated as a regional boundary on an interim basis until the state solid waste plan is completed under RCRA and the Joint Legislative Committee completes its study under S.F. 1106. The Act allows for redesignation in the balance-of-state upon application at a future date. The MPCA considers this approach to be the most orderly manner in which to proceed.

Secondly, the Minnesota Pollution Control Agency in-

tends to enlist the assistance of local elected officials, representatives from regional development commissions, state agencies, the solid waste industry and other interested parties throughout the process of developing the state plans. In this way, local and regional officials will more fully understand not only the planning requirements but also the implementation responsibilities as well which may have impact on local decisions. The Minnesota Pollution Control Agency invites all interested groups or persons to provide information, comment, and advice on the subject, in writing, to:

Mr. Robert A. Silvagni, Director  
Division of Solid Waste  
Minnesota Pollution Control Agency  
1935 West County Road B2  
Roseville, Minnesota 55113  
(612) 296-7315

All materials should be submitted by June 15, 1978.

### Errata

1. At 2 S.R. 2028, second sentence of 4 MCAR § 13.020 B.4., change "search" to "investigation."

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

**ORDER FORM**

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

- \_\_\_\_\_ Annual subscription \$110.00
- \_\_\_\_\_ Additional subscription \$85.00
- \_\_\_\_\_ Single copy \$2.25 each

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

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

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

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

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

- \_\_\_\_\_ 15 volume set \$325.00, includes the annual update service subscription for the year of order (a \$105.00 value) and a set of MCAR binders.

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

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

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

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

Name \_\_\_\_\_

Attention to: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Tax Exempt Number \_\_\_\_\_

Legislative Reference Library

Attn: Stephen Plumb

Room 111 State Capitol

INTEROFFICE

I