

State Register

STATE OF MINNESOTA



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HIGHLIGHTS:

- Special Election in District 22B
—Executive Order from the Governor
- State Water Bank Program
—Proposed Rules from the Department of Natural Resources
- Mortgage Interest Rate for September
—Notice from the Department of Commerce
- Potential for Coal Use in Minnesota
—Public Opinion Sought by the Energy Agency
- Power Plant Siting Act
—Notice of Public Hearing from the Environmental Quality Board
- Settlement Agreements
—Notice from the Department of Human Rights
- Industrial Use of Benzene
—Emergency Temporary Standards from the Department of Labor and Industry
- Practice of Physical Therapy in Minnesota
—Public Opinion Sought from the Board of Medical Examiners
- Lodging Facilities for the Chemically Dependent
—Request for Proposals from the Department of Public Welfare.

VOLUME 2, NUMBER 7

AUGUST 22, 1977

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How to Cite

Cite all material in the *State Register* by Volume number and page number.
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



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296-8239

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The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630.

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Rudy Perpich
Governor

Richard L. Brubacher
Commissioner
Department of Administration

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Editor

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EXECUTIVE ORDERS

Executive Order No. 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

To the People of the State of Minnesota and particularly of the Legislative District 22B within the counties of Hennepin, McLeod, Meeker and Wright; to the Secretary of the State of Minnesota; to the County Auditors of the above-named counties; to all Election Officials of said District 22B; and to all others who may be concerned — Greetings:

WHEREAS, a vacancy now exists in the office of State Representative from District 22B of the State of Minnesota, caused by the resignation of the Representative, the Honorable Harold J. Dahl, and

WHEREAS, a special election to fill said vacancy is necessary;

NOW, THEREFORE, I, RUDY PERPICH, AS GOVERNOR OF THE STATE OF MINNESOTA, acting under the authority and direction of the Minnesota Constitution Art. IV, Sec. 4, and Minn. Stat. §§ 202A.61 to 202A.71 (1976), as amended, and other relevant statutes, do hereby direct:

1. That a special election to fill the vacancy be held in Legislative District 22B on Tuesday, the 27th day of September 1977.

2. That a special primary election for the nomination of candidates for the office be there held on Tuesday, the 13th day of September 1977.

3. That affidavits of candidacy must be duly filed on or before Tuesday, the 6th day of September 1977, and petitions of candidacy before Tuesday, the 20th day of September 1977.

4. That the notices of this special election and special primary election be given, that the nomination and election of candidates and the conduct of these elections be had and all things pertaining thereto be done as provided by Minn. Stat. §§ 202A.61 to 202A.71 (1976), and other applicable provisions of law.

5. This order shall expire October 4, 1977, or when the Secretary of State issues the election certificate, whichever is sooner.

EXECUTIVE ORDERS

IN WITNESS WHEREOF, I hereunto set my hand at the Capitol, in the City of St. Paul, Minnesota, this 3rd day of August, 1977.

A handwritten signature in black ink, reading "Rudy Perpich". The signature is written in a cursive style with large, sweeping loops.

PROPOSED RULES

Department of Natural Resources State Water Bank Program

Notice of Hearing

Please take notice that a public hearing on the above-described rules will be held at the following places and dates:

September 26, 1977: Mankato, Minnesota, Student Union Conference Auditorium, Mankato State University, at 9:30 a.m.

September 27, 1977: Marshall, Minnesota, LC 217 Lecture Center Building, Southwest State University, at 9:30 a.m.

September 28, 1977: Fergus Falls, Minnesota, Humanities Building Theater, Fergus Falls Community College, at 9:30 a.m.

All interested persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearings. In addition, written materials may be submitted to:

Howard L. Kaibel, Jr.
Office of Hearing Examiners
1745 University Avenue
Saint Paul, Minnesota 55105

either before the hearing or within five (5) days after the hearing. The hearing will be conducted as described in Minn. Stat. § 15.0412 and in Minnesota Regulations HE 101-109.

The Legislature has provided that when a farmer is denied the right to drain certain kinds of waterbasins which are less than 50 acres in size, he can receive compensation in lieu of the right to drain. These proposed rules establish the methods for determining if a given basin qualifies for compensation, describe the terms of the indemnification alternatives, set payment rates, and prescribe timetables and procedures.

A free copy of the proposed rules may be obtained by writing to the Department of Natural Resources, Division of Waters, Third Floor, Space Center Building, 444 Lafayette

Road, Saint Paul, Minnesota 55101. Additional copies will be available at the hearings. The agency's authority to adopt the proposed rules is found in Minn. Stat. § 105.392, subd. 1. A "statement of need" explaining why the agency feels the proposed rules are necessary, and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Office of Hearing Examiners twenty-five (25) days before the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, phone: (612) 296-5615.

William B. Nye
Commissioner

Rules as Proposed

NR 5300 Basic Provisions.

A. Scope.

1. Minn. Stat. § 105.391, subd. 3, establishes the conditions under which waterbasins which have been designated public waters may be drained. There are two such conditions, either:

a. The public water being drained will be replaced by a waterbasin which will have equal or greater public value, or

b. The public water is eligible for the state water bank program, but the commissioner of natural resources does not elect, within 60 days of receipt of an application for a permit to drain the basin, to offer the landowner the landowner's choice of:

(1) Placing the waterbasin in the state water bank program;

(2) Selling the basin in fee title to the state under the provisions of Minn. Stat. § 97.481, or;

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

PROPOSED RULES

(3) One of the following appropriate means of indemnification:

—place the basin in the federal water bank program (if applicable),

—sell a perpetual easement in the nature of a conservation restriction,

—lease the basin to the state.

2. Minn. Stat. § 105.392, subd. 2, establishes which public waterbasins are eligible for inclusion in the state water bank program. The public water must fit all the following criteria:

a. It is wetland type 3 or 4, as defined in U.S. Fish and Wildlife Circular No. 39 (1971 edition).

b. It is less than 50 acres in area.

c. It was designated public waters, (by the process described in Minn. Stat. § 105.391), because of its beneficial public value as wildlife habitat.

d. It is lawful, feasible and practical to drain.

e. Drainage would provide high quality cropland, and that is the projected land use.

B. Purpose.

1. It is in the public interest to preserve the wetlands of the state and thereby to conserve surface waters, to preserve wildlife habitat, to reduce runoff, to provide for floodwater retention, to reduce stream sedimentation, to contribute to improved subsurface moisture, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. These rules define and outline procedures authorized by Minn. Stat. ch. 105.392, and establish the state water bank program.

C. Definitions.

1. "Commissioner" means the Commissioner of the Department of Natural Resources or his designated agents.

2. "Drain" means to conduct drainage activities that will remove or reduce the surface water from the basin. Acts constituting draining include, but are not limited to pumping, lowering the outlet, enlarging the outlet tiling or reducing the amount of water entering the basin. (Drainage does not include temporary water level reduction for conservation purposes.)

3. "Equal or greater public value" means the new waterbasin offers a total beneficial public value at least that of the one being drained. The new values do not have to be identical to the ones being lost, but in general the new waterbasin should be as large and of the same wetland type as the one being drained.

4. "Public waters" for purposes of the conditions for draining described in A. 1., means waters of the state so designated in a county by the process described in Minn. Stat. § 105.391.

5. "Receipt of an application" means receipt of any completed form the commissioner may require for applications to drain, together with all data specified by the form, and any required application fees.

6. "Adjacent land" means any lands abutting a basin that is eligible for inclusion in the state water bank program.

7. "Offer the landowner the landowner's choice" means mail to the owner the following offers of indemnification of which he may choose one: the water bank offer, lease offer, purchase offer, easement offer, and the federal water bank program (if applicable). None of the offers will contain a dollar value until an appraisal has been conducted.

8. "Conservation restriction" has the meaning given in Minn. Stat. § 84.64. It may include right of entry by the commissioner and his agents and representatives to maintain or improve wildlife habitat values.

9. "Less than 50 acres in area" means the area of a plane bounded by the natural ordinary high water mark of the waterbasin. The natural ordinary high water mark is a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. This evidence includes, but is not limited to, shoreline defined by wave action and the limits of terrestrial and aquatic vegetation. Aquatic vegetation includes, but is not limited to, grasses, bulrushes, spikerushes, cattails, arrowhead, pickerelweed, smartweed, naiads, cluckweed, spatterdocks and wild rice.

10. "Fair market value" is an estimate of a property's value based upon standard and accepted land appraisal methods.

11. "High quality cropland" is a value of four or less which is established by multiplying an area's growing degree days rating value by its soil property rating value (see D. 1. a. (5)).

PROPOSED RULES

12. "Professional soil classifier" is a person who qualifies as a professional soil classifier on the basis of criteria specified by the Minnesota Association of Professional Soil Classifiers.

D. Procedures.

1. Application for a permit to drain basins that are potentially eligible for compensation from the Department because of being declared public waters shall be made on such forms as the Commissioner may provide.

a. The applicant shall include the following information to enable the Commissioner to determine the feasibility, practicality, and lawfulness of the proposed drainage:

(1) A statement by the owner that there are no burdens on the property or agreements which drainage would violate.

(2) A demonstration by the owner that the right to use the outlet can be obtained.

(3) A description of the proposed drainage project.

(4) A demonstration of the project costs. Show how the costs were estimated, together with an explanation of why the investment would be profitable.

(5) A statement by a Professional Soil Classifier that the basin would be high quality cropland. The determination shall be based on the following criteria:

The kind of soils that will qualify as high quality cropland are based on the following method arranged from best to poorest.

Rating Value	Soil Properties
1.	Loamy or clayey mineral soils (loamy or clayey average particle size in the control section).
2.	Deep organic soils (Typic subgroups), and shallow organic soils with a loamy or clayey substratum (Terric subgroups with loamy or clayey particle size).
3.	Shallow organic soils with a sandy or gravelly substratus (Terric subgroups with sandy or sandy skeletal particle size).

4. Sandy or gravelly mineral soils (Aquents, aquepts, and Aquolls with sandy or sandy skeletal average particle size in the control section).
5. Other soils (mostly soils with limnic materials dominating the control section).

Growing degree days (GDD) will be used as a climatic parameter to use for assessing soil quality. The groups from best to poorest are:

Rating Value	Climate Parameter
1.	More than 4400 GDD
2.	3400 - 4400 GDD
4.	Less than 3400 GDD

The following counties fall within the individual climate parameters:

More than 4400 GDD

Anoka	Lac Qui Parle	Rice
Big Stone	Le Sueur	Rock
Blue Earth	Lincoln	Scott
Brown	Lyon	Sibley
Carver	McLeod	Steele
Chippewa	Martin	Stevens
Cottonwood	Meeker	Swift
Dakota	Mower	Traverse
Dodge	Murray	Wabasha
Faribault	Nicollet	Waseca
Fillmore	Nobles	Washington
Freeborn	Olmsted	Watonwan
Goodhue	Pipestone	Wilkin
Hennepin	Ramsey	Winona
Houston	Redwood	Wright
Jackson	Renville	Yellow Medicine
Kandiyohi		

3400 - 4400 GDD

Aitkin	Hubbard	Otter Tail
Becker	Isanti	Pennington
Beltrami	Itasca	Pine
Benton	Kanabec	Polk
Carlton	Kittson	Pope
Cass	Koochiching	Red Lake
Chisago	Lake of the Woods	Roseau
Clay	Mahnomen	Sherburne
Clearwater	Marshall	Stearns
Crow Wing	Mille Lacs	Todd
Douglas	Morrison	Wadena
Grant	Norman	

Less than 3400 GDD

Cook	Lake	St. Louis
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To arrive at a value, an index is determined by multiplying the soil property rating by the GDD rating. A

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PROPOSED RULES

value of four or less shall be considered high quality cropland.

The determination of soil properties shall be done by a Professional Soil Classifier with at least one observation of soil properties to depths of 50 inches for each ten acres of the wetland. Points of observations should be located systematically in the wetland, recorded on a map, and a log of soil made for each observation. The information shall be included with the permit application.

b. The application to drain must be signed by all landowners riparian to the basin.

2. If the public waterbasin has been enrolled in any other compensatory program, such as, but not limited to, the Federal Water Bank Program or the U.S. Fish & Wildlife Services' easement for waterfowl management, the area is not eligible for state compensation under Minn. Stat. § 105.391, subd. 3, until the expiration date of the original agreement.

3. Landowners are not eligible for compensation under Minn. Stat. § 105.391, subd. 3, if the public waterbasin proposed for drainage is serving as a replacement basin for another public waterbasin that was legally drained.

4. If the public waterbasin is eligible for compensation the Commissioner shall mail to the applicant, within 60 days of written receipt of an application for a permit to drain, the various choices of indemnification. The Commissioner's offer shall include the following:

a. An offer to place the basin in the state water bank program, together with a sample water bank agreement.

b. An offer to acquire the basin and such interest as is necessary to make entry upon the acquired area available to the public.

c. An offer to acquire a perpetual easement in the nature of a conservation restriction as described by Minn. Stat. §§ 84.64 and 84.65. The right of entry by the Commissioner to inspect and to maintain or enhance wildlife habitat shall be included in the agreement. A sample of such a conservation easement shall accompany the offer.

d. An offer to acquire a lease on the basin, together with a sample lease agreement.

e. A statement, if such be the case, that the wetland appears to be eligible for the federal water bank program and who the landowner should contact. The state program, however, does not incur any obligations

on the federal program and if the landowner chooses to select this option he will be subject to the federal program's priorities and procedures.

f. A statement that the landowner and commissioner may agree to include adjacent property in the terms of the agreements.

g. A statement that the landowner has his choice of any one of the indemnification offers. It will be further spelled out that an appraisal will be conducted to determine the fair market value of the property. Appraisals for purchasing or obtaining an easement interest in lands, by law, must be submitted to the Department of Administration for certification. Once approved, the landowner will be advised of the values assigned to each of the offers.

5. If the area does not meet the criteria for eligibility for compensation the Commissioner will so inform the applicant and advise him that a Minn. Stat. § 105.44, hearing on the issue of eligibility may be demanded.

6. If within 60 days of receipt of an application for a permit to drain, the Commissioner does not mail the landowner his choice of indemnification, the landowner is entitled to drain the basin.

7. If the Commissioner timely mails the landowner the choices of indemnification, the landowner:

a. Will be required to specify the amount (if any) and location of adjacent lands that the landowner would like to have included in the agreement before an appraisal can be initiated.

b. Upon receiving the certified appraisals, the Commissioner shall initiate negotiations with the landowner and inform him of the details of each offer.

The landowner may then:

(1) Accept the state water bank program; or

(2) Place the basin in the federal water bank program (if applicable); or

(3) Agree to sell the basin, together with the required access and adjacent lands, to the Commissioner; or

(4) Accept the lease offer; or

(5) Accept the easement offer.

c. If the landowner chooses to sell the basin and

PROPOSED RULES

access area to the commissioner he shall obtain from the County Board of Commissioners the approval to sell the property as required by Minn. Stat. § 97.481. The Commissioner must be supplied with a copy of the Board's resolution and if the County Board refuses approval, the applicant must select from among those options not requiring County Board approval. This procedure does not apply in those counties where blanket approval to sell the property to the State has been granted to those landowners who are eligible for compensation under Minn. Stat. § 105.391, subd. 3.

d. Unless otherwise agreed upon, the applicant has six months from initiation of the negotiations to accept one of the offers. If the applicant does not do so, the offers expire on that date. The applicant may not again apply for a permit to drain the same basin before two years after the expiration date of the previous offer.

E. Effective date.

1. These rules apply to applications for permits to drain received after the waterbasin involved has been designated a public water pursuant to Minn. Stat. § 105.391.

F. Payment rates.

1. Annual payment rates for the state water bank program will be determined by multiplying the fair market value of the basin times four percent.

a. An appraisal will be conducted by the state to determine the fair market value of the property.

b. Water bank payments for adjacent lands will be determined by multiplying the fair market value of the adjacent lands times four percent.

2. Annual lease payments for the water basin and any adjacent lands will be based on a fair market rental rate.

3. Conservation restrictions in the form of easements are perpetual and their value will be established by an appraisal.

4. Water bank, lease and easements obtained on an area shall be recorded and indexed in the office of the county recorder in the county where the basin lies.

G. Terms for the water bank and lease agreements.

1. Agreement period and beginning date.

a. Eligible basins are placed in the state water bank program for a period of ten calendar years and under a lease agreement for twenty calendar years.

b. The lease agreement is continuous and shall transfer with the property if ownership changes during the time of the lease agreement.

c. A water bank or lease agreement finalized during the current calendar year shall be effective January 1 of that year. Exception: In cases where compliance with the terms of agreement cannot be rendered during the current calendar year, the beginning date of the agreement shall be January 1 of the following year.

d. Water bank or lease payments for the first year of an agreement will be made as soon as possible after an agreement has been finalized. Payments for the duration of a water bank or lease agreement will be made on or about August 1 of each continuous year thereafter.

2. Terms.

a. Waterbasins.

(1) In return for receipt of an annual payment the landowner must agree not to adopt any practice which would tend to defeat the purposes of the agreement. At a minimum, the designated basin may not be:

(a) drained, burned, filled, clipped, or otherwise used in such a manner that would effect its wetland character. Exception: Noxious weeds may be controlled by the landowner:

(b) harvested for agricultural purposes;

(c) grazed;

(d) used as a source of irrigation water;

(e) used as a receptacle for draining other wetlands.

Exception: The Commissioner may approve designated acreage to receive limited drainage waters if such use is in keeping with sound wetlands management and prescribed in a mutually agreed upon conservation plan.

b. Adjacent lands.

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PROPOSED RULES

(1) The landowner shall not adopt any practice on the adjacent land that may destroy the wetland character of the designated area. Of specific concern is an increase in sediment load caused by encroachment on the basin.

(2) The Commissioner finds that it is desirable to retain natural area adjacent to wetlands because of their benefit to wildlife. The landowner and Commissioner may mutually agree upon the amount and location of adjacent land.

(a) Up to one acre of adjacent land may be obtained for each acre of waterbasin.

(b) The Commissioner may negotiate and outline a conservation plan for the waterbasin and adjacent lands. Upon signing the agreement, the landowner shall agree to effectuate the wetland conservation and development plan. Terms that may be included are:

(i) development of food and/or cover plots,

(ii) specified planting and harvesting dates,

(iii) areas desirable for permanent cover,

(iv) habitat improvement methods such as:

(aa) clearing

(bb) tilling

(cc) re-establishment of former wetlands or the creation of new wetlands.

(dd) fencing to protect the area

(v) advice on conservation and development practices,

(vi) any other mutually agreed upon practice that would effectuate wetland conservation and development.

3. Signatures.

a. The agreement shall be on forms provided by the Commissioner and shall be signed by:

(1) the owner of the designated acreage, and

(2) the Commissioner

H. Modifications of water bank and lease

agreements. The Commissioner and the land owner may mutually agree to any modification of agreement terms that may be desirable to carry out the purposes of the program or facilitate its administration. Exception: No changes in payment rates for acreage under agreement is authorized during the term of the water bank or lease agreement.

1. Change in ownership of lands underlying public waters.

a. All landowners shall notify the Commissioner of the sale of property that is covered by the water bank or lease agreement.

b. Upon transfer of an individual's right and interest in lands subject to a water bank agreement during the agreement period, the former land owner forfeits all rights to further payments under the agreement and refunds to the state all payments received thereunder during that year of the transfer. This is not required for those participating in a lease agreement nor if the transferee of any such land agrees with the Commissioner to assume all obligations of the former owner.

(1) The new land owner may choose not to participate in the water bank program; however, any water declared public shall not be drained. If an alternative form of indemnification is desired, or if the new owner wishes to have payment rates adjusted on the existing water bank agreement, a permit application will have to be submitted to the Commissioner to initiate the procedures in these rules. The requirement for soils information and borings shall be waived on those basins that have been determined eligible for the water bank program by previous permit applications.

c. When two or more farms are combined that share mutual public waters the land owner who is adding to his property shall have the option of adding the new property to his original agreement, continuing the former owners agreement, or deciding not to participate in the program and not being able to drain the basin.

d. When a transfer of ownership occurs on or before August 1 of the current calendar year and the new owner agrees to continue the former owner's obligation, payments due will be made to the new owner.

2. Registration of modification.

a. all modifications will be completed on amendment forms provided by the Commissioner.

b. modification will be noted on the original agreement and the original amendment forms will be retained by the Commissioner.

PROPOSED RULES

I. Agreement terminations.

1. Upon termination of an agreement the landowner shall forfeit all rights to further payments.

2. The Commissioner may terminate any agreement with mutual consent of the landowner if the Commissioner determines that termination would be in the public interest. If such be the case, no refund of payments made under the agreement is required.

3. Any agreement may be terminated by the agreement signer if all payments made under the agreement are refunded. However,

a. the affected basin cannot be drained, and

b. no permit application will be considered until a transfer of ownership has taken place.

4. The landowner must refund to the state all payments, partial or in full, received under the agreement upon any violation of the agreement terms during the time that the landowner has control of the property.

a. Subject to the Commissioner's determination that the violation is of the nature that warrants termination of the agreement the landowner shall:

(1) Refund, to the state, all payments received,

(2) Forfeit all rights to further payments,

(3) Not be entitled to drain the affected basin, and

(4) Not have the basin considered for a permit to drain or be allowed compensation under Minn. Stat. § 105.391, subd. 3, until a transfer of ownership has taken place.

b. Subject to the Commissioner's determination that the violation does not warrant termination of the agreement, the Commissioner may require partial refunds or make payment adjustments as he deems appropriate.

5. Termination action.

a. The Commissioner shall notify each party to the agreement of the termination. The notice shall state:

(1) the reason for termination,

(2) the amount of payment refund due, and

(3) that the landowner is no longer required to comply with the agreement terms and that the public waters cannot be drained.

b. The landowner may challenge the termination by demanding a hearing under Minn. Stat. § 105.44.

J. Extension of water bank or lease agreement.

1. At the end of an agreement period the Commissioner shall offer the landowner his choice of the five indemnification offers without requiring a new application for a permit to drain.

2. The landowner has 60 days to notify the Commissioner, in writing, if he will be:

a. continuing the former agreement terms, subject to any rate redetermination, or

b. dissolving the former agreement, and

c. changing to another form of indemnification, or

d. deciding not to participate in the program with the knowledge that the basin cannot be drained.

3. If the landowner chooses to select another indemnification method, the choice must be specified in the landowner's notice to the Commissioner.

4. If the notification of the landowners intent to continue in the program is not given, the landowner will be required to submit an application for a permit to drain the basin to establish future eligibility for the water bank program.

5. Upon receipt of the landowner's choice, the Commissioner shall conduct an appraisal to establish the fair market value of the property. Once completed, the agreement may be finalized.

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

OFFICIAL NOTICES

Department of Commerce Banking Division

Maximum Lawful Rate of Interest for Mortgages for the Month of September, 1977

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 September, 1977, is nine (9.00) percent.

Robert A. Mampel
Commissioner of Banks

Department of Education

Notice of Intent to Solicit Outside Opinion on the Pupil Fees Rules

The Department of Education is reviewing the pupil fees rules.

The Department invites interested persons or groups to provide information, comment, and advice on the subject, in writing or orally to, Leo A. Bernat, Supervisor, Research and Statistics, State Department of Education, 736 Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record.

Energy Agency

Notice of Intent to Solicit Outside Opinion on Coal Use in Minnesota

Notice is hereby given that the Minnesota Energy Agency (Agency) is seeking information or opinions from sources outside the Agency in conducting a major study of coal use in Minnesota. The study is required by Law of 1977, ch. 381, § 10.

The study will address the significant economic and institutional issues raised by a major shift from other fuels to coal. It will include: five and ten year forecasts of the demand for coal by type and location of user, estimates of

environmental effects, examination of transportation and handling system needs, and an assessment of the potential for the use of coal gasification.

The Agency invites information and comments concerning the study. Communications may be written or oral and should be directed to:

Dick Levins
Coal Project Coordinator
Minnesota Energy Agency
740 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-1001

All communications must be received by December 5, 1977.

Ronald D. Visness
Assistant Director

Environmental Quality Board

Notice of Public Hearing on the Power Plant Siting Act as Amended in 1977

Notice is hereby given that a public hearing will be held on the above entitled matter, pursuant to Minn. Stat. § 116C.58 (1977), commencing in St. Paul, Minnesota, September 10, 1977 at 10:00 a.m., State Office Building Auditorium, Room 83. All persons, representatives and organizations will have the opportunity to be heard by submitting oral or written data, statements, comments or arguments or by presenting witnesses.

In particular, testimony will be accepted on the form, content, and usefulness of the 15-year Advance Forecast submitted by Minnesota utilities to the Environmental Quality Board. Other testimony will be accepted on all aspects of the Board's activities regarding power plant siting and transmission line routing.

Copies of the 1976 Advance Forecast and its 1977 update and the Power Plant Siting Act as amended in 1977 are available at libraries in: Crookston, Bemidji, Duluth, Fergus Falls, Pine River, Willmar, Montevideo, Cambridge, St. Cloud, Marshall, Mankato, Rochester, and Minneapolis, and the Board office in St. Paul.

Peter Vanderpoel
Chairman

Department of Human Rights

Notice of Change in Schedule of Mini-Hearings

Southwest Region. Room LC217, Southwest State University, Marshall. Mon. Sept. 5 — Housing.

Notice of Settlement Agreements Made between July 28, 1977 and August 11, 1977

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

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

Department of Human Rights, Complainant, vs. Miller Management Co., Inc., Respondent, RP144.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Miller Management Co., Inc., (hereinafter "respondent"), had violated the Human Rights Act by serving her with notice to vacate her apartment. She alleged that she received notice to vacate because she associated with persons of another race. Following an investigation the Commissioner of Human Rights found that there was probable cause to credit the allegation that an unfair discriminatory practice was committed.

Settlement.

The charging party and the respondent settled and resolved the matter as follows:

1. The respondent agreed to pay one hundred (\$100.00) dollars to the charging party to compensate for part of unusual rental expense incurred from August of 1976 through November of 1976.

Department of Human Rights, Complainant, vs. the University of Minnesota, Respondent, E1123.

Charge.

A person (hereinafter "charging party") alleged that the

University of Minnesota (hereinafter "respondent") had refused to promote her on two occasions because she was pregnant each time she applied for a promotion. The charging party alleged that she was discriminated against because of her sex.

Settlement.

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

1. The respondent and its officers and employees agreed not to discriminate in any manner against any person because of sex with respect to the rights secured for a person by the Human Rights Act.

2. The respondent agreed to pay the charging party the sum of one hundred and fifty (\$150.00) dollars.

William Wilson
Commissioner

Department of Labor and Industry

Emergency Temporary Standards Concerning Benzene

Please take notice that E. I. Malone, Commissioner, Minnesota Department of Labor and Industry, pursuant to authority contained in Minn. Stat. § 182.655, subd. 1 (1976) does this date issue a 30 day extension of the stay of enforcement of the emergency temporary standard on Benzene issued on July 8, 1977. The administrative stay shall continue in effect up to and including close of business September 8, 1977, at which time this stay shall terminate. It is noted again that this action is prompted by a stay issued by the court in *A.P.I. et al v. OSHA et al*, No. 77-1973 (5th Circuit Court of Appeals), staying the enforcement of the federal Occupational Safety and Health administration's emergency temporary standard on Benzene as published in the *Federal Register*, Vol. 42, No. 85 at pp. 22525-22529 (May 3, 1977) amended at *Federal Register*, Vol. 42, No. 85 at p. 23601 (May 10, 1977).

This Order shall be published in the *State Register*.

Board of Medical Examiners

Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing the Practice of Physical Therapy

Notice is hereby given that the Minnesota State Board of

OFFICIAL NOTICES

Medical Examiners is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing requirements for the practice of physical therapy. Any interested persons may submit data or views on this subject in writing or orally to:

Arthur W. Poore
Board of Medical Examiners
352 Minnesota Department of Health Building
717 Delaware Street S.E.
Minneapolis, Minnesota 55414

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

Minnesota Municipal Board Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing Orderly Annexation Agreements

Notice is hereby given that the Minnesota Municipal Board has begun consideration of proposed rules regulating orderly annexation joint agreements.

In order to adequately determine the effect and utility of such rules, the Municipal Board hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

All interested or affected persons or groups are invited to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

William A. Neiman
Executive Secretary
Minnesota Municipal Board
165 Metro Square Building
Saint Paul, Minnesota 55101

Statements of information and comment will be received during regular business hours over the phone at (612) 296-2428, and in person at the above address.

All statements of information and comment must be received by September 15, 1977. Any written material received by the Board shall become part of the hearing record.

The proposed rules, if adopted, would relate to the regulation of orderly annexation joint agreements.

William A. Neiman
Executive Secretary

Public Service Commission Notice of Intent to Solicit Outside Opinion on Amendments to Rules of Practice

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412 subd. 6 (1976), that the Minnesota Public Service Commission is proposing to amend its existing Rules of Practice. All interested parties desiring to submit data or views relating to proposed amendments should address their written comments to:

Mr. Leo J. Ambrose, Secretary
Minnesota Public Service Commission
790 American Center Building
160 East Kellogg Boulevard
St. Paul, MN 55101

All material received will be made part of the hearing record. All material must be received no later than 4:30 p.m., September 30, 1977.

Leo J. Ambrose
Secretary

Department of Public Welfare Chemical Dependency Division

Request for Proposals Concerning Facility for Chemically Dependent Persons

A Request For Proposals has been issued by the Chemical Dependency Program Division, Department of Public Welfare (State Alcohol and Drug Authority) on August 15, 1977, for the purpose of initiating board and lodging facilities or an alternative program for chronic chemically dependent persons. Grants, not exceeding \$14,000 will be awarded for acquiring, remodeling or furnishing a facility and/or three months operating costs. Proposals must be received by October 3, 1977. Persons or organizations wishing to receive this RFP should communicate with Dorrie Hennagir, Chemical Dependency Program Division, 4th Floor, Centennial Office Building, St. Paul, MN 55155. Telephone: (612) 296-4617.

Secretary of State

Notice of Intent to Solicit Outside Opinion on Amendments to Rules Governing Voter Registration and Preparation of the White Ballot

Notice is hereby given that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing voter registration (SecStat 101 to 1002) and preparation of the white ballot (SecStat 2101 to 2115). Any interested persons may submit data or views on these subjects in writing or orally to:

Secretary of State Joan Anderson Growe
Elections Division
180 State Office Building
St. Paul, Minnesota 55155
612-296-2805

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

Please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1976) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as amendments to rules, must register with the Minnesota Ethical Practices Board as a lobbyist within five days of commencement of such activity by the individual.

Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

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

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St. Paul, Minnesota 55155

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