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STATE OF MINNESOTA

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STATE REGISTER

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VOLUME 3, NUMBER 1

JULY 10, 1978

STATE REGISTER

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
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SCHEDULE FOR VOLUME 3

2	Monday July 3	Monday July 10	Monday July 17
3	Monday July 10	Monday July 17	Monday July 24
4	Monday July 17	Monday July 24	Monday July 31
5	Monday July 24	Monday July 31	Monday Aug 7
6	Monday July 31	Monday Aug 7	Monday Aug 14

*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.

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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. 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. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

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EXECUTIVE ORDERS

Executive Order No. 173

Providing for the Establishment of a Governor's Conference on Food and Nutrition

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

Whereas, food and nutrition issues affect all people of the State of Minnesota, and

Whereas, there exists a multitude and complex array of public and private agencies, institutions, and organizations involved in the delivery of food and nutrition services, and

Whereas, it is vital for state government to work toward a safe, adequate, and nutritionally sound food supply to the people of the State of Minnesota, and

Whereas, it is desirable to continue to promote interaction, debate, and public education about current issues in food and nutrition,

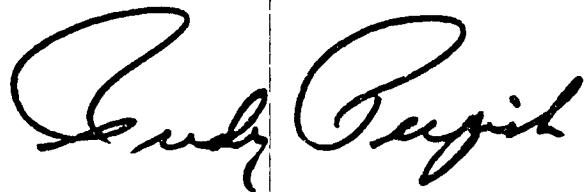
Now, therefore, I order:

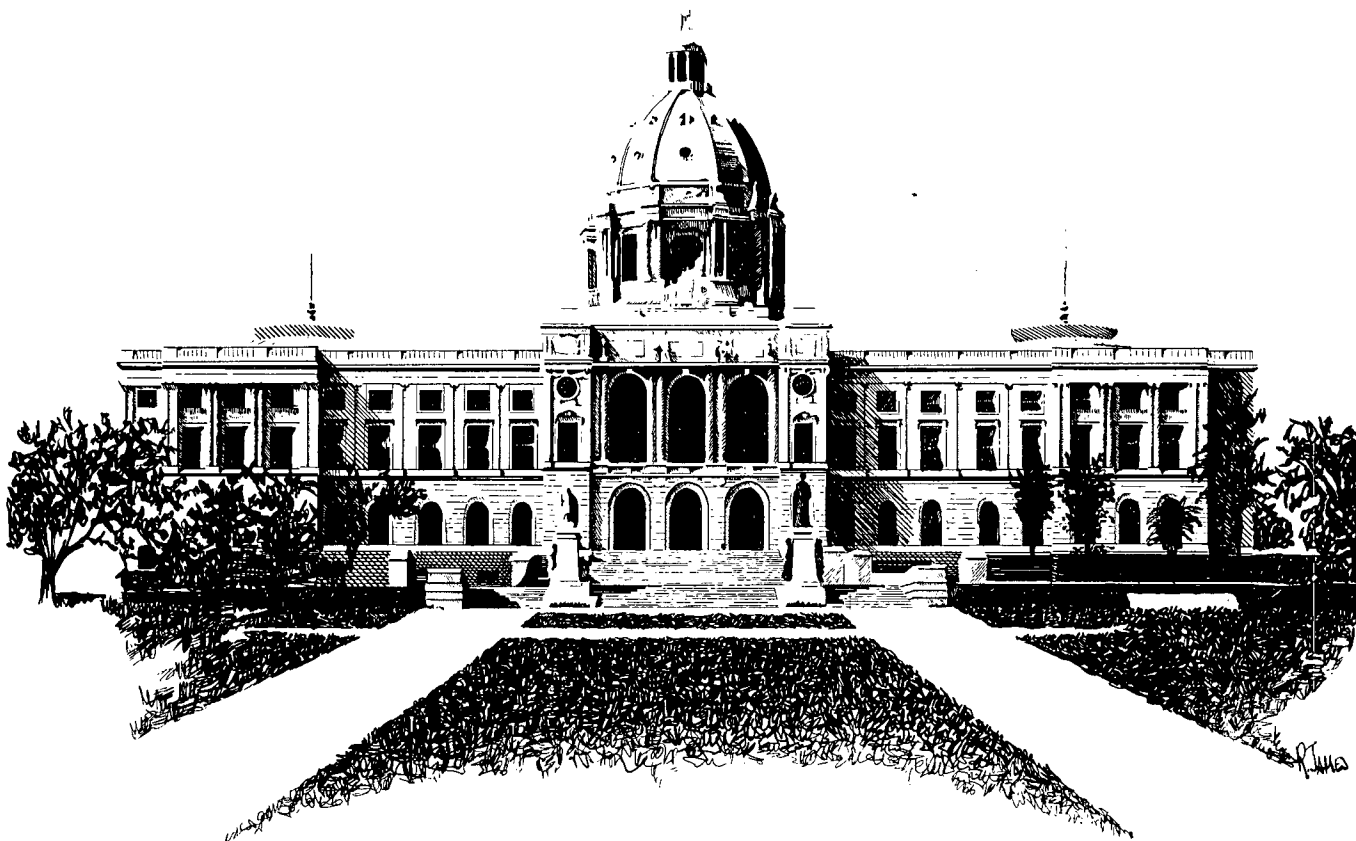
1. A Statewide Governor's Conference on Food and Nutrition, November 17 and 18, 1978, to bring together and provide a public forum for identification of issues by farmers, processors, distributors, and consumers of food supplies as well as government agency persons and other professionals and experts in the area of food and nutrition.

2. The formation of a Statewide Conference Planning Committee composed of 15 members. The Commissioner of Agriculture will be the governor's representative on the Statewide Conference Planning Committee. Expenses and per diem of the committee shall not be paid from state funds.

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

In testimony whereof, I hereunto set my hand on this 21st day of June, 1978.





The solid Georgia marble dome of the Minnesota State Capitol was the largest unsupported marble dome in the world when it was completed in 1905. Designed by Cass Gilbert, the Capitol features six statues sculpted by Daniel Chester French which represent Wisdom, Courage, Bounty, Truth, Integrity and Prudence.

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.

Department of Agriculture Planning Division Adopted Rule Relating to Pesticide Use

The rule published at *State Register*, Volume 2, Number 25, pp. 1246-1254, December 26, 1977 (2 S.R. 1246-1454), is adopted and is identical to its proposed form, with the following amendments:

Rule as Adopted

Chapter 15 Pesticide Control

3 MCAR § 1.0338. This rule (3 MCAR § 1.0338) for Minnesota Pesticide Control Law of 1976 hereby repeals previous rules and regulations AGR 329-336 (Economic Poisons and Devices); AGR 348-357 (Custom Spraying and Dusting); and AGR 233-243 (Structural Pest Control). The

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need for this change was brought about by the passage of the Minnesota Pesticide Control Law of 1976.

A. General.

1. Authority. The rules contained herein ~~are~~ is prescribed pursuant to Minn. Stat. §§ 18A.21 to 18A.48 (1976), by the Commissioner of Agriculture to implement provisions to protect the immediate and future health, welfare, and economic status of the people of this state through the control of the use of various pesticides including, but not limited to herbicides, insecticides, rodenticides, and fungicides. The provisions specified in ~~these~~ this rules ~~are~~ is in addition to those set forth in the Act itself.

2. Definitions. As used in 3 MCAR § 1.0338, the following definitions and those definitions in Minn. Stat. ~~chap.~~ 18A shall apply:

a. "Master Structural Pest Control Applicator" means a person who has the necessary qualifications to properly plan, determine, and supervise the selection and application of pesticides in structural pest control, who is thoroughly familiar with the toxic effects of pesticides on man and on other living things, ~~and~~ who is familiar with the laws, rules, and regulations governing the same, and is so licensed by the commissioner, provided he/she shall not be permitted to engage in the planning and supervision of the selection and application of fumigants unless qualified as a fumigator.

b. "Journeyman structural pest control applicator" means a person who has the necessary qualifications in the practical selection and application of pesticides with knowledge of their toxic effect on man and other living things, ~~and~~ who is engaged as an employee of or is working under the direction of a Master Structural Pest Control Applicator and is so licensed by the commissioner.

c. "Structural Pest Control Applicator's Apprentice, Trainee, or Assistant" ~~is~~ means a person, other than a Master or Journeyman Structural Pest Control Applicator, who is engaged as an employee of a Master Structural Pest Control Applicator, or working under the immediate and personal supervision of either a Master or Journeyman Structural Pest Control Applicator for not ~~to exceed~~ more than 120 days of employment, in learning and assisting in the selection and application of pesticide and has been registered with the commissioner to so engage in structural pest control activities.

3 MCAR § 1.0338

d. "Fumigator" means a person who has the necessary qualifications in the practical selection and application of fumigants with knowledge of their toxic effect on man and other living things and ~~who~~ is so licensed by the commissioner.

e. "Commercial Pesticide Applicator" means a person who is licensed under the Act, other than structural pest control applicators or fumigators, to use or supervise the use of pesticides for hire.

f. "Noncommercial Pesticide Applicator" means a person, including government officials, other than commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

g. "Pest" means, for the purposes of structural pest control, (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) or any other form of animal or plant life which has been declared by the commissioner to be a pest and which is found in, on, under, or within six (6) feet of any structure; including all animals of the order Rodentia, starlings, sparrows, grackles, common pigeons, shrews, moles, bats and all noxious weeds.

3. Incidents.

a. Persons involved in, or responsible for, an incident involving a pesticide such as flood, fire, tornado, motor vehicle accident, poisoning, exposure, spills or leaking container(s) likely to cause damage to humans or the environment shall immediately report such incident to the Minnesota Department of Agriculture and provide ~~such~~ information as may be requested by the commissioner. Notification of such incidents to the Department of Agriculture shall constitute compliance with Minn. Stat. § 115.061. The department shall be responsible for immediately notifying the Minnesota Pollution Control Agency of incidents which may cause pollution of waters of the state.

4. Records.

a. In addition to those record keeping requirements set forth in Minn. Stat. § 18A.28, subs. 2 and 3, licensed Commercial Applicators and licensed or registered Structural Pest Control Applicators shall keep a record of and report to the commissioner the locations of all treatments.

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b. All Noncommercial Pesticide Applicators as defined in the Act shall submit to, and on forms provided by, the commissioner annually, but in no case later than January 30 following the year of license, a report which shall include true and accurate routine operational information on kinds, amounts, uses, dates and places of application of restricted use pesticides; and shall keep and maintain such records necessary to produce such reports. Records shall be maintained for two years.

B. Special local needs.

1. "Special local need" shall mean a pest problem presently existing or likely to occur within the state which cannot be effectively controlled because:

a. there is no pesticide registered by EPA for such use; or,

b. there is no EPA registered product which, under the conditions of use within the state, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration; or,

c. an appropriate EPA registered pesticide product is not available.

2. Any person may make application for a special local need registration. Application shall be made in writing to the commissioner and shall include all information required in Minn. Stat. § 18A.23 (1976), and 40 CFR 162.150-162.158, Subpart B.

3. If the commissioner, based upon information in the application, deems it in the public interest, and deems that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects, he may issue a special local need registration in accordance with Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23 (1976), and 40 CFR 162.150-162.158, subpart B.

4. The commissioner shall, within 20 days of issuance of a special local need registration:

a. publish a notice of the special local need registration in the *State Register* and the EQB Monitor;

b. issue a news release with information stating that a special local need registration has been issued and stating the citizen's right to petition for a hearing to all legal newspapers of general circulation in the affected area and any other newspaper the commissioner deems appropriate.

5. A federal or state agency, a local unit of govern-

ment, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration. Upon receipt of said written objections, and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the commissioner shall order a hearing pursuant to Minn. Stat. chap. 15 (1976), for the purpose of revoking, amending, or upholding said registration.

6. The commissioner shall revoke, suspend, or amend a special local need registration upon the determination after notice and hearing that, under the terms of the registration granted, the pesticide may cause unreasonable adverse effects on the environment, or the health, welfare, and safety of the public, or that the special local need no longer exists.

7. A special local need registration shall be valid for one calendar year or portion thereof unless revoked or suspended and may be reviewed annually by application in writing to the commissioner. ~~No special local need registration shall be valid for more than one day less than five years.~~

C. Certification and/or recertification requirement; Commercial, Noncommercial, and Structural Pest Control Applicators.

1. Certification requirement.

All Minnesota Commercial, Noncommercial, and Structural Pest Control Applicators shall be required to take and pass a proctored written examination or examinations related to the category classification selected by the applicant prior to certification and licensing. Upon passage of such an examination or examinations, the applicator will be certified for a period up to five years. Such examinations shall meet or exceed the requirements in FIFRA Law and Regulations 40 CFR 171.4 (b) and (c) and 40 CFR 171.6. Such examinations will be prepared and administered by the commissioner or his designee.

2. Recertification requirement.

a. Commercial and Noncommercial Applicators certified in accordance with (C. 1.) may be recertified by:

1. satisfactorily completing an approved training program during the certification period; or,

2. reexamination in accordance with procedures set forth in C. 1. 3.; participation at such a training program or reexamination will extend the applicator's certifica-

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tion for a period up to five years from the date of attendance or examination.

b. Structural Pest Control Applicators may be recertified by participating in an approved training program or passing a written, proctored examination annually for licensing and recertification.

3. Reexamination procedures.

If any applicant fails to achieve a passing score on any examination, he/she shall be eligible to retake the examination after 15 days from the date of notification of ~~examination~~ failure of the first examination. If any applicant fails to achieve a passing score ~~on any examination~~ upon retaking ~~it an examination~~, he/she shall be eligible to retake the examination after 30 days from the date of notification of examination failure. A failing applicant may retake an examination no more than three (3) times in one year. Upon submission to the commissioner in writing of specific reasons within 30 days from the date of notification of failure of ~~second and third retaken~~ examination, an appeal of the score may be made.

4. Certification alternatives.

a. Upon written application, the commissioner may grant to an individual an alternative for the certification requirement and procedures set forth in this rule, provided that:

~~a-~~ (1) there is good cause why the individual cannot comply with the provision of this rule;

~~b-~~ (2) the requirements and procedures provided for in the alternative is are equivalent to those set forth in this rule;

~~c-~~ (3) when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

~~d-~~ (4) the ~~spirit and~~ intent of the act ~~in~~ and this rule ~~are~~ is not violated; and,

~~e-~~ (5) the environment or the public will not be adversely affected by the alternative requirements or procedures.

b. Under no circumstance shall certification be waived.

D. Private applicator.

1. A private Applicator shall be deemed certified when he/she ~~purchases a restricted use pesticide from a licensed dealer and signs a sales register at testing that he/she read the label of the pesticide and will follow the directions for use and the precautions to protect the user and the environment.~~ He/She shall also attest that has, within the past three years, ~~he/she has~~ completed one or more of the following state approved certification programs:

a. a ~~S~~state approved home study; ~~or~~

b. a ~~state approved~~ Pesticide training session; ~~or~~

c. a personal interview by the commissioner; or,

d. a ~~W~~written or oral examination; and, he/she reads the label and follows all label directions for use and the precautions to protect the user and the environment for all restricted use pesticides he/she uses.

2. A private Applicator or his/her agent shall sign a sales register when purchasing a restricted use pesticide from a licensed dealer attesting that the user will read the label of the pesticide and will follow the directions for the use and the precautions to protect the user and the environment and that the user has completed one or more of the state approved certification programs set forth in D. 1. within the past three years.

E. License.

1. An applicant for a "Master Structural Pest Control Applicator's License" shall take and pass a proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and technical knowledge to properly plan, determine, and supervise the selection and application of pesticides in structural pest control.

2. An application for a "Journeyman Structural Pest Control Applicator License" shall take and pass a proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and workable knowledge in the practical selection and application of pesticides in structural pest control and familiarity with toxic effects of pesticides on man and other living things.

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3. An applicant for ~~qualification~~ as a "Structural Pest Control Fumigator License" shall, in addition to securing a Master or Journeyman license, take and pass a written proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge in the practical selection and application of fumigants and familiarity with the toxic effect of fumigants on man and other living things.

4. An applicant for a "Restricted Use Dealer License" shall take and pass a written proctored examination prepared and administered by the commissioner. Such examination shall determine whether the applicant has adequate training, experience, and working knowledge of pesticide types and characteristics, proper pesticide storage and disposal techniques, pesticide safety, and label and labeling comprehension.

5. Upon written application, the commissioner may grant to an individual an alternative for the licensing requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination is equivalent to the examination for which the alternative is granted;

d. ~~the spirit and intent of the act in and this rule are~~ is not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

F. License renewal; Structural, Commercial, and Non-commercial.

1. Every person licensed as a master or journeyman in structural pest control shall be required to attend annually at least one program of continuing education in the use of pesticides in structural pest control approved by the commissioner as a condition for renewal of the license under the Act. Failure to attend such programs as required may be grounds for revocation, termination, suspension, or refusal to renew said license.

2. Licensed Commercial and Noncommercial Applicators must renew their license ~~on an~~ annually basis.

Qualification for license renewal can be accomplished by annual attendance at an approved continuing education program in the use of pesticides held prior to the expiration date of the present license or by successful completion of an examination prepared and administered by the Department of agriculture commissioner.

3. Failure to renew said license prior to the expiration date will require the applicant to revert to the status of a new applicant.

4. Upon written application, the commissioner may grant to an individual an alternative for the license renewal requirement and procedures set forth in this rule, provided that:

a. there is good cause why the individual cannot comply with the provision of this rule;

b. the requirements and procedures provided for in the alternative is are equivalent to those set forth in this rule;

c. when an examination is involved, the subject matter and difficulty of the examination are equivalent to the examination for which the alternative is granted;

d. ~~the spirit and intent of the act in and this rule are~~ is not violated; and,

e. the environment or the public will not be adversely affected by the alternative requirements or procedures.

G. Restricted use pesticides.

1. Restricted use pesticides shall be those so classified by the Administrator of the EPA.

~~2. In addition to all pesticide uses classified by EPA as restricted use, and~~ Additionally, all pesticide uses classified as restricted use by any other federal or state agency statutorily authorized to do said classification, the following uses and procedures are prescribed: as well as the pesticides listed in G. 3. and 4. of this rule, shall, for the purposes of the administration of this rule, be classified as restricted use pesticides.

3. The following uses and procedures shall also be prescribed:

a. the following inorganic arsenical compounds: sodium arsenite, ~~Calcium arsenite, Lead Arsenate,~~ sodium arsenate, arsenic trioxide, arsenic acid, and arsenic pentoxide shall ~~have no uses~~ not be used for weed control.

b. Sodium fluoroacetate, "Compound 1080",

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fluoroacetamide ("1081"), and phosphorus paste, including ~~shall mean sodium fluoroacetamide or any mixture, formulation, dilution, or combination thereof.~~ shall be restricted as follows:

(1) All ~~"1080"~~ the above listed pesticides shall be kept in the custody and used under the direct supervision of a Master Structural Pest Control Applicator and when held in storage shall be kept in a locked cabinet or vault. Containers and other equipment for weighing, measuring, or mixing ~~"1080"~~ of such pesticides shall be labeled "POISON" and kept in a locked cabinet or vault.

(2) The use of soft drink bottles or other food-type containers for storing products containing ~~"1080"~~ the pesticides listed above is prohibited.

(3) The use of ~~"1080"~~ the above listed pesticides in dwellings is prohibited. Under certain conditions of rodent infestations, the commissioner may grant a special use permit for this compound for a stated date and dwelling location upon written application and finding that:

(a) the applicant has shown good cause why an exception would be reasonable, practical, and should be granted;

(b) the environment and the public will not be adversely affected;

(c) precaution will be taken to protect the environment and the public; and,

(d) the ~~spirit and~~ intent of the act ~~in~~ and this rule ~~are~~ is not violated.

(4) The use of ~~"1080"~~ is the above listed pesticides shall be prohibited, except upon special written authorization from the commissioner. ~~a~~ follow-up report is shall be required in all instances.

4. No person shall use Lindane in any pest control activity except as follows:

<u>Pest</u>	<u>Crop</u>	<u>Dosage</u>	<u>Remarks, Limitations</u>
<u>Soil Insects</u>	<u>Corn, beans, small grains, sugar beets, sunflowers</u>	<u>1 oz. per bu.</u>	<u>Seed treatment only</u>
<u>Stored-food pests</u>		<u>Follow Label Directions</u>	<u>For use by structural pest control operators</u>
<u>Mange mites (Sarcoptic) & lice</u>	<u>Swine</u>	<u>0.06% as spray or dip 1.0% dust</u>	<u>Do not treat before animals are 3 months old or sows within 2 weeks of farrowing; must be 30 days before slaughter, dips 60 days. If growth rates approach 200 lbs. in 150 days, another chemical should be used.</u>
<u>Centipedes, symphylids</u>		<u>Follow Label Directions</u>	<u>For commercial greenhouse and floriculture use only.</u>
<u>Thrips, fungus gnats, mealy bugs, sowbugs (pillbugs), spittle bugs</u>		<u>Follow Label Directions</u>	<u>For commercial greenhouse and floriculture use only.</u>

2- 5. No person shall display for sale any restricted use pesticides in any public area of a store or other place to which the general public has access unless displayed ~~under~~ by a sign or placard bearing the following statement in capital letters not less than two inches high: "RESTRICTED USE PESTICIDES — USER PURCHASER MUST BE CERTIFIED."

H. Storage, handling, and use of pesticides.

1. No person shall use, store, display, or handle any pesticide or container thereof in any manner inconsistent with labeling or so as to endanger humans, damage agricultural products, food, livestock, wildlife, pollinating insects, or pollute the environment.

2. All persons storing liquid pesticides in containers of a rated capacity of 500 gallons or more shall provide a means of containment of the amount of the rated storage in

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the event a leak or break should occur in the original storage unit in accordance with MPCA rule WPC 4. Storage must be provided with suitable lock up when unattended.

3. All persons shall maintain all equipment in proper working order and shall use only that equipment capable of performing all functions necessary to insure proper application of pesticides.

4. All persons shall use necessary safe pesticide handling procedures and personal protective equipment, respirators, protective clothing, and medical monitoring procedures as appropriate to each situation to protect himself/herself and his/her employees.

5. All persons shall use only measuring equipment which is accurately calibrated to the smallest unit in which the pesticide is to be weighed and measured for application.

6. All persons shall maintain a uniform mixture of pesticide in equipment during application.

7. All persons shall make all applications of pesticides in good workmanlike manner utilizing a pattern that will give uniform distribution of pesticides without creating hazard to nontarget areas.

8. All persons shall clean equipment used for pesticides so that no injurious residues from prior usage may cause injury to humans, agricultural crops, livestock, or the environment.

9. All persons shall label all mixing and transportation pesticide containers, other than the actual applicative equipment, with the name of each active ingredient and use reasonable care to protect from obliteration the labels on all original pesticide containers until disposed of pursuant to the requirements of ~~these~~ this rules and MPCA rules.

10. All persons using aircraft in the application of pesticides shall use and operate only aircraft that has equipment which will give uniform coverage to the area to which the pesticide is applied. All such aircraft shall also be equipped with a positive shut-off which shall prevent the leaking or dissemination of said pesticide on any non-target areas over which flight is made.

11. The license or registration certificate issued by the commissioner to a pesticide applicator company shall be prominently displayed to the public in their place of business.

12. All individuals licensed by the commissioner shall have such license, card, or document as issued by the com-

missioner to present upon demand as a means of identification when engaged in pesticide application activities.

I. Enforcement.

1. The commissioner, after notice and hearing may deny, suspend, revoke, or refuse to renew a registration, license, or certificate when a person is in violation of Minn. Stat. ~~as amended~~, §§ 18A.21 to 18A.48 (1976) as amended, or rules promulgated thereunder.

2. No person shall knowingly falsify all or any part of an application for registration, an application for license, any records required to be maintained, any reports filed or any other information submitted to the commissioner pursuant to Minn. Stat. §§ 18A.21 to 18A.48 1976, as amended, or rules promulgated thereunder.

J. Financial responsibility.

1. “Commercial Pesticide Applicators; and Structural Pest Control Applicators.” Applicants for Commercial Pesticide Applicator or Structural Pest Control Applicator licenses or renewals shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture commissioner prior to the issuance of such license. This requirement may be satisfied by:

a. ~~a~~ Certificate of a net asset statement issued by a financial institution authorized to do business in the state by the Minnesota Department of Commerce, showing net ~~sufficient~~ assets available to satisfy judgments equal to or greater than \$50,000; functioning equivalent to the provisions of section J. 2.

b. ~~a~~ Bond issued by a bondsman authorized to do business in the state by the Minnesota Department of Commerce; or ~~e-~~ Liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce; for a minimum set forth in sections 2. and 3.; or,

c. a combination of a. and b.

2. Commercial Pesticide Applicators. All applicants for a Commercial Applicator's license or renewal thereof shall furnish proof of financial responsibility of a minimum of fifty thousand dollars (\$50,000) in either net assets or in the form of a performance bond or insurance in the above below; or a combination thereof.

a. Limits of liability:

~~a-~~ (1) fifty-thousand dollars (\$50,000) for bodily injury or death, each person;

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b. ~~(2)~~ fifty-thousand dollars (\$50,000) for bodily injury or death, each occurrence;

e. ~~(3)~~ twenty-five thousand dollars (\$25,000) for property damage, each occurrence.

b. The commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars (\$500) for aerial and ground commercial applicators.

c. The commissioner may, when deemed in the public interest and the spirit and intent of the act, require limits of liability proof of financial responsibility in an amount in excess of those set forth in 2.a. fifty thousand dollars (\$50,000) for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

~~3. The Commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five hundred dollars (\$500) for aerial and ground commercial applicators.~~

~~3. 4. "Structural Pest Control Applicators." Applicants for a Structural Pest Control license shall furnish evidence of financial responsibility acceptable to the Minnesota Department of Agriculture prior to the issuance of such license. This requirement shall be satisfied by liability insurance issued by a company authorized to do business in the state by the Minnesota Department of Commerce.~~

Minimum coverage requirements shall be as follows:

a. Limits of liability:

a. ~~(1)~~ one-hundred thousand dollars (\$100,000) for bodily injury;

b. ~~(2)~~ two-hundred thousand dollars (\$200,000) for bodily injury or death of two or more, each occurrence;

e. ~~(3)~~ ten-thousand dollars (\$10,000) for property damage, each occurrence.

b. The commissioner may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five-hundred dollars (\$500).

c. The commissioner may, when deemed in the public interest and the spirit and intent of the act, require

9 MCAR § 1.0002

limits of liability in an amount in excess of those set forth in 3.a. for an individual applicant reasonably commensurate with the applicant's possible liability exposure.

~~4. 5.~~ Such financial responsibility shall be clearly conditioned to cover liability resulting from the handling, storage, disposal, application, use or misuse of any pesticide.

K. Reciprocal agreement.

1. Reciprocal agreements shall apply to all nonresidents licensed and certified to apply pesticides ~~for restricted use as Commercial Applicators and Private Applicators~~ so long as such license and certification has not been cancelled or suspended for cause by the jurisdiction issuing the license and certification on which issuance of the reciprocal license and certification is based.

2. In all cases, when a license and certification has been suspended or revoked by either jurisdiction in the agreement, the appropriate official of the reciprocating jurisdiction shall be notified detailing the reasons for such suspension or revocation.

3. The commissioner is authorized to enter into ~~an informal~~ reciprocal agreements approved by the attorney general for form and legality with any other state which has a similar state plan for certification of Pesticide Applicators. Under such agreement, the designated person of the state party to the reciprocal agreement is granted full authority, including reciprocal recognition of licensing and recertification standards, training and testing procedures, and related matters in all states participating in such agreements.

4. The commissioner reserves the right to test any applicant from another state who is seeking certification in Minnesota.

Ethical Practices Board Adopted Temporary Rules Relating to Campaign Financing

The following rules published as proposed temporary rules at *State Register*, Volume 2, Number 45, pp. 2005-2011, May 15, 1978 (2 S.R. 2005), are adopted as temporary rules as of June 23, 1978, and are identical to their proposed form, with the following amendments:

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."

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9 MCAR § 1.0002

9 MCAR § 1.0002 Definitions.

A. "Act" means the Ethics In Government Act, Minn. Stat. ch. 10A as amended by Laws of 1978, chapters 463 and 793.

~~B. "Board" means the Minnesota State Ethical Practices Board.~~

~~C. B. "Business day" means 8:00 a.m. to 4:30 p.m. Monday through Friday except for official state holidays.~~

~~D. "Calendar Year" in 1978, for purposes of campaign expenditure and contribution limits, means February 28 through December 31, 1978.~~

~~E. C. "File", "filed", and "filing" mean delivery to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked two days prior to the filing date.~~

~~F. D. "Fundraising event" means any dinner, luncheon, rally, coffee party, cocktail party, or other similar gathering of three or more individuals where contributions are solicited or received to influence the nomination or election of a candidate.~~

~~E. E. "Money" means cash on deposit in banks and other depositories, checks, negotiable instruments and other paper commonly accepted by a bank as a deposit, and transfers through electronic funds transfers.~~

~~H. F. "Periodic report" means the Report of Receipts and Expenditures required to be filed with the board at prescribed filing dates.~~

~~† G. "Unpaid bills" means advance of credit.~~

9 MCAR § 1.0004 Allocation of approved expenditures.

Except for a political party expenditure as provided in Minn. Stat. § 10A.275, the treasurer of a political committee or political fund making an approved expenditure on behalf of more than one candidate shall allocate the expenditure among such candidates on a reasonable proportionate basis and report the allocation to each candidate on periodic reports.

9 MCAR § 1.0005 Allocation of money from general account refused by a candidate.

Monies refused by a candidate from the general account of the State Election Campaign Fund shall be reapportioned to all the office accounts as provided by Minn. Stat. § 10A.31, subd. 5(a)-(e) and distributed to all qualifying candidates.

9 MCAR § 1.0006 Amendments. Reserved for future use.

The Board or its staff may request a candidate or treasurer of a political committee or political fund to submit an amendment to complete or to correct a statement or periodic report previously filed provided the Board request is in writing. Such amendments shall be filed within 10 business days after receipt of a notice by a candidate or treasurer. This provision does not alter the obligation of the treasurer to file an amended statement or periodic report within 10 days of the time an individual becomes aware of an inaccuracy or omission. The Board may grant an extension of the filing deadline upon written request.

9 MCAR § 1.0008 Approved expenditures and determination by the board.

~~A. No approved expenditure in excess of \$20 on behalf of a candidate shall be made until the individual or association receives a written authorization from the treasurer, deputy treasurer, or candidate of the principal campaign committee containing the following information: date; amount of expenditure; name of individual/committee/fund making the expenditure; purpose of the expenditure; candidate on whose behalf expenditure is made; office sought; expenditure authorized by signature of treasurer, deputy treasurer, or candidate of principal campaign committee.~~

~~B. The Board may determine, on a case by case basis, when an expenditure, as defined by Minn. Stat. 10A.01, subd. 10a, on behalf of a candidate by an individual or association, was an approved expenditure made without the required written authorization of the treasurer, deputy treasurer or candidate of the principal campaign committee, pursuant to Minn. Stat. 10A.17, subd. 2.~~

9 MCAR § 1.0013 Change of office sought by candidate.

A. Expenditure Contribution and expenditure limits. When a candidate, who sought nomination or election to one office, subsequently seeks the nomination or election to another office in the same election year, expenditures incurred and contributions received to influence the nomination or election to the first office will not be counted toward the campaign contribution and expenditure limits to the subsequent office sought.

B. Registration requirement. A candidate who seeks another office must designate a separate campaign committee and a separate depository for funds for the office sought.

C. Tax credit subsidy and public financing agreements. A candidate may sign a tax subsidy agreement for the calendar year for each office sought until December 31. A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement for another office by September 1 automatically rescinds a previously filed agreement for another office.

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9 MCAR § 1.0014 Complaints of violations.

A. Any person who believes a violation of the act or of these rules has occurred may submit an oral or written complaint to the board.

B. There is no prescribed form for a written complaint, but all such complaints shall be typewritten or handwritten legibly. The name and address of the person making the complaint shall be typewritten or hand printed on the complaint and it shall be signed by such person. A complaint shall name the alleged violator and describe the complainant's knowledge of the alleged violation. Any evidentiary material should be submitted with the complaint. Complaints will not be available for public inspection or copying until after the board makes a finding. No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify the ~~violator~~ violator or is unsigned by the complainant.

C. The board need not investigate an oral complaint. No investigation shall be undertaken if an oral complaint is frivolous on its face, too indefinite, does not identify the violation, or does not identify the complainant. There is no prescribed format for an oral complaint, but all oral complaints must describe in sufficient detail the alleged violator and violation of the act or rules.

D. Any portion of a meeting during which the board is hearing testimony or taking action concerning any complaint, investigation, preparation of a conciliation agreement, or a conciliation meeting shall be closed to the public. The minutes of such a meeting shall be kept confidential.

9 MCAR § 1.0015 Contributions between principal campaign committees of the same candidate.

A. Exclusive of personal funds of a candidate as reported on the periodic reports, the candidate may permit his principal campaign committee to accept contributions up to the applicable contribution limit for a political committee from another principal campaign committee formed by that candidate in seeking another office to further his nomination or election to the other office.

B. If the other principal campaign committee is a federally registered committee, then the provisions of Minn. Stat. § 10A.22, subd. 7, apply as well as the contribution limit of the receiving committee.

9 MCAR § 1.0016 Contribution disclosure — judgeship.

A candidate for a district or supreme court judgeship shall

9 MCAR § 1.0022

be considered a statewide candidate for purposes of the contribution disclosure requirements set forth in Minn. Stat. § 10A.20, subd. 3(b).

9 MCAR § 1.0017 Contributions from a nonregistered political committee and fund. A political committee or political fund shall not accept a contribution of more than \$100 from an association not registered with the board, including federally registered committees and funds, unless the association registers with the board within 14 days after making the contribution or provides the recipient political committee or political fund with all information required by Minn. Stat. § 10A.20.

9 MCAR § 1.0019 Employee voluntary contribution plan. If an individual employee of a corporation doing business in Minnesota makes a voluntary contribution to a state candidate through a program plan made available by that corporation and the employee retains sole and exclusive control of accumulated funds in the employee's name, the corporation providing the employee benefit such a plan on a nonpartisan basis is not required to register and report as a political committee or political fund. The A political committee or political fund shall report and disclose in receipt of the contribution from the individual shall report on the periodic report as required by Minn. Stat. ch. 10A.

9 MCAR § 1.0021 Forgiveness and payment of a loan.

~~A. If a political committee or political fund forgives a loan owed to it, the amount becomes a contribution for the period during which the loan was first made.~~

~~B. When a loan to a principal campaign committee is forgiven or repaid by an individual, political committee, or political fund, in accordance with Minn. Stat. § 10A.32, subd. 3(b), a candidate who accepts money from the State Election Campaign Fund and whose aggregate contribution limit is exceeded shall return to the board, with the required periodic report amendment to the or periodic report, a check or money order payable to the State Treasurer for the amount which must be returned in excess of the aggregate contribution limit, but not to exceed the amount received from the State Election Campaign Fund.~~

9 MCAR § 1.0022 Forgiveness and payment of unpaid bills.

~~A. If a political committee or political fund forgives any unpaid bill in excess of \$20 owed to it, the amount is a dona-~~

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9 MCAR § 1.0022

~~tion in kind to the recipient for the period in which the unpaid bill was incurred.~~

B. When a donation in kind in excess of \$20 results from the forgiveness of an unpaid bill or payment of an unpaid bill by an individual, political committee or political fund other than the principal campaign committee causes the aggregate contribution limit of a candidate who accepts money from the State Election Campaign Fund to be exceeded, in accordance with Minn. Stat. § 10A.32, subd. 3(b), a candidate shall return the amount due, but not to exceed the amount received from the State Election Campaign Fund, by a check or money order made out to the State Treasurer with the required amendment ~~to the~~ or periodic report.

9 MCAR § 1.0023 Fundraising event.

A. The expenses of a fundraising event held by the state or local committee of a political party for one or two candidates are a donation in kind and, except for food and beverage consumed at the fundraising event, shall be reported as a campaign expenditure by the candidate or candidates under the following conditions:

1. the fundraising event is expressly or implicitly approved by the candidate, his treasurer, or agent to be held "on behalf of" the candidate; and

2. the candidate or candidates are "clearly identified" in advertisements, tickets, or any advance publicity for the fundraising event; and

3. the candidate receives proceeds, if any, from the fundraising event.

"Clearly identified" means that: (a) the name of the candidate is used; or (b) a photograph or drawing of the candidate appears; or (c) the identity of the candidate is apparent by unambiguous reference.

B. A separate committee may be established by two or more candidates to report the contributions and expenditures as required by the act for a fundraising event held jointly. The expenses of the fundraising event shall be allocated among the candidates on a reasonable proportionate basis as donations in kind, and, except for food and beverage consumed at a fund raising event, as campaign expenditures. A transfer of funds to a candidate, combined with the value of donations in kind from that committee, may not exceed the applicable contribution limit ~~to for a political committee.~~ an individual, political committee, or political fund set forth in Minn. Stat. § 10A.27, subd. 1.

9 MCAR § 1.0024 Inactive registered committees and funds. A registered committee or fund which receives no

income and makes no expenditures or noncampaign disbursements during a reporting period may so indicate in the space provided on the periodic report and shall thereby satisfy the reporting requirement.

9 MCAR § 1.0025 Joint checks. When a contribution is given on a check written on a joint account, it shall be deemed a contribution by the signator(s) of the check unless otherwise specified by the signator(s). When a contribution is given on a check written on a joint account and specified as a joint contribution, it shall be deemed a separate contribution by each of the holders of the joint account in a proportional amount.

9 MCAR § 1.0027 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 reason.~~ A written request for a waiver must be submitted not later than the fifth business day after filing the late statement or periodic report.

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

C. The board shall send a delinquency notice by certified mail to the treasurer of a political committee or political fund within ten business days after a filing date. A copy of the notice shall be sent by first class mail to the candidate and the chairman of a political committee or political fund. 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 on the date refused. 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 treasurer. An undelivered notice of late filing shall be considered received by the recipient five business days after the first class mailing.

9 MCAR § 1.0028 Media advertisements — candidates. If a candidate participates in, but does not pay for, a media advertisement paid for by another candidate advocating a principal campaign committee other than his own which advocates the nomination or election of other candidates or federal candidates, no portion of the cost of the advertisement shall be considered an approved expenditure on behalf of the participating candidate who participates provided his candidacy is not mentioned and no direct or indirect appeal for support for his candidacy is made.

9 MCAR § 1.0029 Noncampaign disbursements — constituent services.

A. Expenses paid by the principal campaign committee of a candidate in a nonelection year and before adjournment

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sine die of the legislature in an election year for the office held, for constituent services including newsletters, public opinion questionnaires, aides to legislators for constituent services during a legislative session, stationery not printed at government expense, postage, and rent for district offices shall be reported as a constituent service noncampaign disbursements. Only that portion of the expense actually used or consumed for services to constituents shall be reported as a noncampaign disbursements.

B. Costs of constituent services paid from personal funds of an officeholder ~~and provided during non-election years and through the day of~~ incurred before adjournment sine die of the legislature in ~~an~~ the election year for the office held are not required to be reported by the principal campaign committee of the ~~candidate~~ officeholder.

C. Costs of providing constituent services ~~for~~ by an officeholder who is a candidate after adjournment sine die of the legislature in the election year for the office held and sought are reportable by the principal campaign committee as campaign expenditures.

D. Constituent services provided after adjournment sine die in the year of an election for an officeholder who is a candidate which is paid for from the personal funds of the officeholder shall be considered a donation in kind and reported as such by the principal campaign committee of the candidate.

9 MCAR § 1.0030 Noncampaign disbursements — miscellaneous. Other expenses which are to be reported as miscellaneous noncampaign disbursements if paid for by the principal campaign committee of the candidate include, but are not limited to: costs for child care for the candidate's children when campaigning; fees paid to attend a campaign school; costs of a post-election party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first; interest on loans paid by a principal campaign committee on outstanding loans; and filing fees if permitted by other Minnesota law.

9 MCAR § 1.0031 Organization of political committees and political funds.

A. ~~Any group of two or more persons which receives a contribution or makes an expenditure, or a transfer of funds, in aggregate, in excess of \$100 to influence the nomination for election or election of candidates for statewide or legislative office or makes any independent expenditures in excess~~

9 MCAR § 1.0032

~~of \$100 must register a political committee or political fund. If the group has as its major purpose the influencing of the election of a candidate or candidates, it shall register as a political committee. If the group is an association which has a major purpose other than the influencing of election, it shall establish a political fund. When a person or group merely solicits contributions with the approval of the candidate, a treasurer, deputy treasurer or an agent of a political committee or political fund which are made directly to a reporting committee or fund, such person or group is not required to establish an additional committee or fund.~~

A. Any group of two or more persons which receives contributions or which makes expenditures, transfers of funds, or independent expenditures in aggregate in excess of \$100 to influence the nomination or election of one or more candidates for statewide or legislative office must register as a political committee or political fund. If the group's major purpose is to influence the nomination or election of one or more candidates, it shall register as a political committee. If the group is an association whose major purpose is one other than to influence nominations or elections, it shall establish a political fund. When a person or group merely solicits contributions with the approval of a candidate or the treasurer, deputy treasurer or agent of a political committee or political fund and when those contributions are made directly to the reporting committee or fund, that person or group need not establish a separate political committee or political fund.

B. A candidate may be his own chairman and/or treasurer.

C. All monetary assets of a committee or fund shall be kept in designated depositories in accounts named in accordance with Minn. Stat. § 10A.15, subd. 3.

D. The funds of a political committee or the contents of a political fund shall not be commingled with any other funds or with the personal funds of a candidate, any officer or member of the committee or fund.

9 MCAR § 1.0032 Payment of compensation for personal services. The gross value of compensation, in excess of \$20, for personal services of an individual or group which are rendered to a candidate, political committee or political fund is reported as a donation in kind from the individual or association that makes the payment.

~~**9 MCAR § 1.0033 Prepaid campaign expenses.**~~

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9 MCAR § 1.0033

~~Goods and services to influence the nomination or election of a candidate, purchased in one year but used in a subsequent year, are charged against the expenditure limit in the year used.~~

9 MCAR § 1.00343 Public financing. A candidate or officeholder who signs an agreement to participate in the State Election Campaign Fund is bound by the expenditure limits in an election year and nonelection year whether or not the candidate actually receives funds from the State Election Campaign Fund.

9 MCAR § 1.00354 Recording contributions.

A. Every individual, political committee or fund that receives a contribution in excess of \$20 shall record the name, address, and employer, or, if self employed, the occupation of the contributor of each such contribution.

B. Promptly after receipt of any contribution or on demand of the treasurer, the contribution together with any required record shall be transmitted to the treasurer.

9 MCAR § 1.00365 Reporting and disclosing earmarked contributions.

A. Each individual, political committee or political fund which receives an earmarked contribution of more than \$20 shall record (1) the name, address, and if employed, employer of, or, if self-employed, the occupation of the donor who originally made the earmarked contribution; (2) the name and address of the candidate, political committee or political fund for whom the contribution is earmarked; (3) the political committee or political fund through which the earmarked contribution is directed; and (4) the amount of each earmarked contribution.

B. An earmarked contribution is reported in periodic reports as miscellaneous income by the political committee or political fund through which the contribution is directed to a candidate. When transferred to the candidate by the political committee or political fund the information in 9 MCAR § 1.00365 A. shall accompany the transfer, although the earmarked contribution shall be disclosed on periodic reports by the political committee or political fund only when in excess of \$100.

C. The treasurer of a principal campaign committee of a candidate shall disclose on periodic reports the name, address, and, if employed, employer of, or, if self-employed, the occupation of the donor of an earmarked contribution, the individual, political committee or political fund through which the contribution was directed, and the fact that the contribution was earmarked when the total aggregate contributions from the same source in a calendar year reach the disclosure thresholds of Minn. Stat. § 10A.20, subd. 3(b).

9 MCAR § 1.00376 Reporting unpaid bills outstanding as campaign expenditures.

A. For the purpose of reporting campaign expenditures at the end of a calendar year, any unpaid bills for campaign expenditures used or consumed during the calendar year, owed by the reporting principal campaign committee on December 31, shall be reported as campaign expenditures for the calendar year ending December 31.

B. An unpaid bill paid is reportable as a noncampaign disbursement in the succeeding year except as provided in 9 MCAR § 1.0022.

9 MCAR § 1.00387 Responsibilities of treasurers.

A. A treasurer may transfer records and receipts to a new treasurer relieving that treasurer of record retention responsibility by written notification to the board by either the new treasurer or the candidate. Such notice shall include date, name and address of the new treasurer.

B. A copy of a cancelled check with an invoice stating the purpose of the expenditure will be treated as a receipted bill.

~~C. The treasurer shall report all contributions received or deposited within a reporting period.~~

9 MCAR § 1.00398 Sample ballot prepared by a candidate. If a candidate chooses to prepare and distribute his own sample ballot and includes the names of other candidates ~~without their approval and authorization~~, the ballot must contain the proper disclaimer required for independent expenditures, unless it is an approved expenditure as defined in Minn. Stat. § 10A.01, subd. 10a. For purposes of campaign expenditure reporting, the total cost of the preparation, printing and distribution of the sample ballot shall be assessed against the candidate causing the ballot to be prepared and distributed.

9 MCAR § 1.004039 Signing tax credit subsidy agreement. A candidate may sign a tax credit subsidy agreement at any time after registration of his principal campaign committee for the office sought or held ~~to~~ through December 31. No agreement signed on or after January 1 shall be applicable to a preceding calendar year.

~~9 MCAR § 1.0041 Tax credits for political party contribution.~~

~~A political party organization may make a contribution to a candidate who has not signed a tax credit agreement.~~

9 MCAR § 1.00420 Tax credit subsidy agreement and public financing agreement. A candidate must sign a sep-

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arate agreement in order to participate in each public financing program.

9 MCAR § 1.00431 Tax credit subsidy receipts — special elections. Candidates shall not issue Official Tax Credit Receipts for special elections.

9 MCAR § 1.00442 Termination of registration.

A. A Termination Report shall cover the period from the closing date of the last previous report filed through the date of termination.

B. Any terminated political committee or political fund which subsequently becomes subject to the registration and reporting requirements of the act is required to reregister.

9 MCAR § 1.00453 Severability. If any rule or any part thereof is held invalid, such invalidity shall not effect any other provision of the rule or rules which can be given effect without the invalid provision. To this end, the provisions of these rules are declared to be severable.

~~9 MCAR § 1.0046 Vacated advisory opinions.~~

The following advisory opinions adopted by the Board pertaining to campaign financing are no longer valid upon adoption of permanent rules. However, the essence of many of the opinions have been incorporated into these rules. Advisory Opinions #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 21, 24, 26, 26a, 27, 30, 31, 34, 39, and 42.

Soil and Water Conservation Board

Adopted Rules for the Cost-share Program

The proposed rules published at *State Register*, Volume 2, Number 30, p. 1422, January 30, 1978 (2 S.R. 1422), are adopted and are identical to their proposed form, with the following amendments:

Rule as Adopted

SWC 1 Authority, scope, definitions.

A. Authority and scope. Minn. Stat. ch. 40 authorizes the State Soil and Water Conservation Board, in coopera-

tion with the Soil and Water Conservation Districts, to administer a program of cost-sharing with land occupiers on the installation of soil and water conservation practices. These rules provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to districts, and standards and guidelines which the district boards shall include in all cost-sharing contracts.

B. Definitions. For purposes of these rules, the following definitions, in addition to those in ch. 40, shall apply:

1. "Agricultural Stabilization and Conservation Service" means the U.S. Agricultural Stabilization and Conservation Service, an agency of the U.S. Department of Agriculture.

2. "Annual plan" means a plan prepared by the district according to the "Guidelines for Annual Planning" published by the state board.

3. "Approved practice" means a soil and water conservation practice which qualifies for state cost-sharing and has been approved by the state board.

4. "Area Conservationist" means the Area Conservationist of the U.S.D.A. Soil Conservation Service.

5. "Assigned S.C.S. personnel" means the District Conservationist or U.S.D.A. — Soil Conservation Service personnel designated by the Area Conservationist to provide need and performance certification to the program.

6. "Ch. 40" means the Minnesota Soil and Water Conservation Districts Law as established in Minnesota Statutes, Chapter 40.

7. "Comprehensive plan" means a long-range plan prepared by the district pursuant to Minn. Stat. § 40.07, subd. 9.

8. "District" means a Soil and Water Conservation District organized under the provisions of ch. 40.

9. "District Board" means the five supervisors of a district authorized to carry out the functions of the district under ch. 40.

10. "District Conservationist" means the District Conservationist of the USDA-Soil Conservation Service.

11. "District Cooperator" means a land occupier who

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has requested the assistance of a district in controlling conservation problems. Such request must be formalized by the signing of a District Cooperators Agreement provided by the state board and approved by the district board.

12. "District Technician" means a district employee or county employee assigned to the district who possesses expertise in the design and application of soil and water conservation practices. They shall perform under the technical supervision of the District Conservationist or other assigned SCS personnel.

13. "Enduring practice" means a soil and water conservation practice which is designed for an effective life in excess of 10 years.

14. "Field Office Technical Guide" means the document providing all standards and specifications necessary for technical requirements of soil and water conservation practices as provided by the Soil Conservation Service—USDA and adopted by the district board.

15. "Group spokesperson" means an individual designated by the several individuals involved in a group project, who may speak for the entire group in negotiations with a district for cost-share assistance.

16. "Lake" means an enclosed basin, 10 acres or more in area filled or partly filled with water and discernible on aerial photographs.

~~17. "Land occupier" means any person, firm, or corporation who shall hold title to, or shall be in possession of, any lands lying within a district organized under the provisions of Chapter 40, whether as owner, lessee, renter, tenant, or otherwise, including, during the life of a practice, successors of a land occupier who received a cost-share payment.~~

17. "Land occupier" means any person, firm, or corporation, including the governments of this state and any subdivision, agency or instrumentality, corporate or otherwise, of the government of the state, who shall be in possession of any lands lying within a district organized under the provisions of ch. 40, whether as owner, lessee, renter, tenant, or otherwise, including, during the life of a practice, successors of a land occupier who received a cost-share payment. This definition also includes the federal government.

18. "Nonproduction practice" means a soil and water conservation practice which is installed or applied to control soil erosion, reduce sediment yield, or protect water quality. Practices installed or applied primarily to bring land into production or to increase the short term productivity are excluded.

19. "Program plan" means a statewide plan developed by the State Board, in consultation with the districts and appropriate agencies, for control of the soil and water conservation problems in the state.

20. "Soil and water conservation practice" means those structural and vegetative practices applied to the land for the purpose of controlling soil erosion, sediment ~~and~~ or other water pollutants.

21. "Soil Conservation Service" means the U.S. Soil Conservation Service, an agency of the U.S. Department of Agriculture.

22. "State Board" means the State Soil and Water Conservation Board as defined in ch. 40.

23. "Stream" means a well defined channel or bed that has water in it at some time of the year under normal conditions. This includes natural perennial and intermittent rivers and creeks as well as man-made channels that meet these general criteria.

SWC 2 State board functions.

A. Establishing approved practices and maximum rates.

1. The state board, in consultation with the districts, shall maintain a list of practices which are eligible for cost-share funds and a schedule of maximum rates. The list shall be contained in SWC 4 and the schedule in SWC 5. Changes to the list and schedule shall be made in the manner provided by the rules-making provisions of Minn. Stat. ch. 15.

2. Practices approved by the state board must meet the following criteria:

a. Their primary purpose must be the control of soil erosion, and sediment, ~~and~~ or protection of water quality.

b. They must be enduring in nature. All practices cost-shared under this program shall be designed for a minimum effective life of 10 years.

c. They must be nonproduction practices.

3. The maximum cost-share rates established by the state board represent the maximum per cent of the total cost of a practice that may be funded by state cost-share funds. Where state and federal funds are cost-shared on the same project, their combined amount shall not exceed the maximum cost-share rate.

B. Allocation of funds.

1. Before the state board can allocate cost-share funds

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to a district it must first approve the district's comprehensive plan.

2. Before the state board can allocate cost-share funds to a district, it must first receive the district's annual application for cost-share funds. The application shall be made on forms provided by the state board and received by the state board by January 1. The application must be accompanied by the district's annual plan.

3. The state board shall review all district applications for cost-share funds with respect to the following criteria:

a. priorities for the control of soil erosion, sediment ~~and~~ or other water pollutants as established in the Program Plan of the state board;

b. historical success of the district in applying soil and water conservation practices;

c. availability of cost-share funds from other sources;

d. readiness of the district to effectively utilize the funds.

4. Following review and approval, the state board ~~may~~ shall provide grants to the districts for the purpose of cost-sharing with land occupiers for the application of approved practices.

C. Monitoring. For the purpose of monitoring the progress of the program and utilization of funds, the state board shall receive from each district quarterly reports by October 15, January 15, and April 15, and an annual report of the year's accomplishments by July 15. The state board may require such additional special reports as may be deemed necessary by the state board to monitor the cost-sharing program. The reports shall be on forms provided by the state board.

SWC 3 District functions.

A. Application for funds by districts. Each district shall apply for funds as indicated in SWC 2 B.

B. Administration of funds.

1. Following receipt of grant funds from the state board, the respective districts shall be responsible for administration of the funds in accordance with the provisions of ch. 40 and all other applicable laws. The district board

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shall have the authority to make all decisions concerning utilization of these funds within the rules established herein.

2. As a condition to receiving grant funds from the state board, the district shall insure compliance of the maintenance provisions of ch. 40 by monitoring all cost-share contracts made with land occupiers.

3. Prior to considering any applications from land occupiers for cost-share assistance, the district board shall establish the cost-share rates for practices to be installed under the program, which shall not exceed the maximum rates established by the state board. This decision shall be based on the following factors:

a. advice of technical experts familiar with the district;

b. cost-share rates currently in effect under the Agricultural Conservation Program administered by the U.S. Agricultural Stabilization and Conservation Service and other assistance programs;

c. district priorities as established in the districts' comprehensive and annual plans; and

d. cost-share funds available.

C. Application for funds by land occupiers.

1. Land occupiers seeking assistance under this program shall apply to the districts on forms provided by the state board and available from the district office. Each application shall be filled out in its entirety. The application must be signed by the land occupier and if the land occupier is not the owner it must also bear the owner's signature. Applications must be submitted not later than June 1 to be considered for cost-sharing from the funds available for the fiscal year beginning July 1. After initial screening by the district board, assigned S. C. S. personnel shall be responsible for making a determination of need and cost estimate. Actual determination of need may be done by the District Technician. Additional information on the desired practice which may be required by the district board in their consideration of the application, shall be included.

2. A situation may arise where the cooperation of several land occupiers is required to solve a conservation problem. The district may share the cost of such a group project provided that all of the land occupiers are eligible as individuals and the practice or practices satisfy the criteria of the

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program. The land occupiers must reach agreement on the division of payments. The group spokesperson shall be identified on the application and shall file the form with the district, and shall negotiate with the district. Checks for the district share of the practice shall be issued to the group members based on the division of payment plan prepared by the group.

3. If the project involves land in more than one district, application shall be made to the district containing the most land affected by the practice.

D. Criteria for district board review.

1. The applicant must be a district co-operator.

2. The desired practice must be on the list of approved practices.

3. The primary purpose of the desired practice must be the control of soil erosion, reduction of sediment delivery, or protection of water quality. In cases where the "primary purpose" is questionable, the district board shall make a determination of the acceptability of the application. Additionally, the district board shall make determination of the need for supplemental practices to protect any practice installed under this program, e.g., fencing of water impoundment structures. If the district board determines that supplemental practices are necessary, they may shall authorize cost-sharing for their installation.

4. The desired practice must be consistent with district plans and priorities.

5. The practice must be maintained by the land occupier, who shall be responsible for operation and maintenance of practices applied under this program.

6. Priority consideration shall be given to land occupiers or groups of land occupiers who demonstrate the ability to meet matching requirements.

7. The practice must comply with the specifications of the Field Office Technical Guide, ~~of the USDA Soil Conservation Service as adopted by the Soil and Water Conservation Districts.~~

E. District approval. The district board shall either approve or deny the application. If approved, the district board shall instruct the chairman or acting chairman to sign the application. Once signed, the application becomes the contract between the district and land occupier and serves as the authorization for work to proceed on the practice. If denied, the district board shall notify the land occupier in writing, within 30 days after board action, of the reason for the

denial of the application. Changes in any provisions of the contract shall be subject to review and approval of the district board.

F. District records. The district shall maintain a current ledger of all cost-share contracts on forms provided by the state board. The ledger shall specify the land occupiers with whom the district has contracted, the practices involved, status of construction and a total of funds encumbered. The district shall monitor all cost-sharing contracts to insure compliance with the provisions of SWC 3 B. 2. Districts having funds which are unencumbered by December 1 of each program period ~~may~~ shall be required to return those funds to the state board for reallocation, if the state board has determined the funds are of significant amount and there is another district that has greater need for them.

G. Payments.

1. Construction of practices shall be monitored by the district board to insure compliance with the specifications in the Field Office Technical Guide. Upon completion, assigned S. C. S. personnel shall certify whether or not the practice has been satisfactorily performed, including a certification that the practice meets the requirements of the Field Office Technical Guide. No such certification shall be made until all specifications have been satisfied. Upon certification of completion, the land occupier shall contact the district for payment and shall present all receipts for cost of the practice.

2. In-kind services provided by the land occupier such as, but not limited to, earth work, seedbed preparation and seeding, can be credited toward the land occupier's share of the total cost of the practice. The district board shall determine whether charges for such services are practical and reasonable.

3. In cases where the actual cost of the practice exceeds the estimated cost, the district may only share the approved percentage of the estimated cost, except when an amendment to the cost-share agreement has been approved. Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to increase the practice units and/or estimated cost, or to postpone the completion date of the practice. Such changes must be approved by the supervisors in advance of completion of the work with an amendment to the cost-share agreement covering the changes. Where the actual cost is less than the estimated cost the district shall only share the approved percentage of the actual cost of the practice. The district board shall review the receipts provided by the land occupier to determine the actual cost of the practice. When the district determines that all claims are practical and reasonable, they shall authorize issuance of a check for the district share of the practice. Where the district board determines that certain claims are not justified they shall

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notify the land occupier in writing of the unjustified claims within 30 days. The district board shall then authorize the issuance of a check for the district share of the justified claims.

H. Maintenance. The land occupier is responsible for operation and maintenance of practices applied under this program. Should the land occupier fail to maintain such practices or willfully remove them during their effective life, the land occupier shall be liable for the amount of financial assistance received for their installation. The district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice. The land occupier shall not be held liable for cost-share assistance received provided the failure was caused by reasons beyond the land occupiers control, or if soil and water conservation practices are applied which provide equivalent protection of the soil and water resources. In no case shall a district provide cost-share assistance to a land occupier for the reapplication of practices which were removed by the land occupier during their effective life or failed due to improper maintenance.

I. Appeals. In cases where a land occupier feels he has been treated unfairly, he may request that the district board review its decision. Should the land occupier and district board reach an impasse, the land occupier may petition in writing for a hearing before the State Soil and Water Conservation Board. If it grants the hearing, which shall be informal, the state board or a referee appointed by it shall hear all testimony offered, and shall accept written testimony for 10 days after the hearing. The referee, if used, shall report his findings and recommendation to the state board, which shall within 60 days of the hearing date make its decision on the appeal, upholding, reversing, or amending the decision of the district board.

J. Reports to state board. Each district shall submit to the state board the reports identified in SWC 2.

SWC 4 Approved practices.

A. Erosion control structures.

1. Definition: a structure such as, but not limited to, grade stabilization structures, floodwater retarding structures and multipurpose dams to (1) stabilize the grade or control head-cutting in natural or artificial channels; (2) provide temporary storage of floodwater; (3) control release rate providing downstream channel stability; or (4) impound water.

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2. Purpose: to control soil erosion and sediment. An erosion control structure may provide multiple benefits including, but not limited to, water supply for livestock, recreation, flood control, channel stability, wildlife habitat and fire prevention.

3. Applicability: to any lands where such structures are necessary for the control of soil erosion and sediment.

4. Policies.

a. Cost-sharing is authorized only on erosion control structures that provide for reduction of soil erosion or sediment pollution.

b. Cost-sharing may be authorized for the installation of livestock watering facilities in conjunction with erosion control structures only if such facilities are necessary for the proper management and protection of the structure as determined by the district board.

c. Cost-sharing may be authorized for permanent fencing of an erosion control structure as determined by the district board.

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

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

f. Cost-sharing is authorized for erosion control dams and ponds provided that a minimum of 50% of the contributing drainage area above the proposed project is "adequately treated" or treatment is being applied.

B. Stripcropping.

1. Definition: stripcropping shall mean the development and application of a cropping system for a farming unit which provides for planting row crops with the contour where practicable and incorporates alternate strips of row crops, close sown, and sod crops.

2. Purpose: to establish a system of farming with contour or field stripcropping to reduce wind and water erosion

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and sediment pollution. Stripcropping may provide additional benefits to wildlife.

3. Applicability: to any lands where stripcropping is necessary for the control of soil erosion and sediment.

4. Policies: cost-sharing may be authorized for all costs associated with the delineation of strips and removal of obstructions.

C. Terraces.

1. Definition: an earth embankment, or a combination ridge and channel constructed across the slope at the required spacing.

2. Purpose: terraces are constructed to:

~~a. reduce slope length;~~

~~b.a. reduce erosion;~~

~~e b. reduce sediment content in runoff water;~~

~~d c. intercept and conduct surface runoff at a non-erosive velocity to stable outlet;~~

~~e. retain runoff for moisture conservation;~~

~~f d. prevent gully development;~~

~~g. reform the land surface; and~~

~~h e. reduce flooding.~~

Terraces may provide additional benefits by creating wildlife habitat and retaining runoff for moisture conservation.

3. Applicability: This practice applies ~~where~~ to any lands where terraces are needed for the control of soil erosion and sediment.

~~a. water erosion is a problem;~~

~~b. there is a need to conserve water;~~

~~e. the soils and topography are such that terraces can be constructed and farmed with a reasonable effort.~~

~~d. a suitable outlet can be provided.~~

4. Policies.

a. Cost-sharing is authorized for construction

necessary to properly establish the terraces including earthwork, material seedings if necessary.

b. Cost-sharing is authorized for tile systems necessary to the establishment of operation of the terraces, including the outlet which shall be limited to 300 feet below the last terrace in a system.

D. Diversions.

1. Definition: a channel with a supporting ridge on the lower side constructed across the slope.

2. Purpose: the purpose of this practice is to divert water away from erosive areas to sites where it can be used or disposed of safely. Diversions may provide additional benefit to wildlife.

3. Applicability: this practice applies to sites where:

a. runoff from higher lying areas is eroding cropland, pastureland, farmsteads, or is needed to support conservation practices such as terraces or stripcropping in the control of erosion or runoff;

b. surface and shallow subsurface flow is damaging sloping upland;

c. required as a part of a pollution abatement system, or to control erosion and runoff on urban or developing areas and construction sites.

4. Policies.

a. Cost-sharing is authorized for tile systems necessary for the establishment and operation or erosion control practices such as ~~waterways, terraces or diversions.~~

~~b. Cost sharing is authorized for seedings necessary to properly establish the practices or permanently stabilize critical areas.~~

b. Cost-sharing is authorized for construction necessary to establish the diversions including earthwork, materials and seedings necessary to properly stabilize this practice.

E. Stormwater control systems.

1. Definition: a system of components such as, but not limited to, waterways, diversions, sediment control structures, stabilization structures, culverts, channels and floodways to convey storm runoff to a constructed or natural outlet in a nonerosive manner. This practice does not apply to areas for which the primary purpose is drainage to improve crop production.

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2. Purpose: the purpose of this system of elements is to provide a means of regulating and/or removing runoff to protect the area from flood damage and erosion, and to prevent pollution of watersheds, lakes and streams, ~~to protect natural scenic areas, and to provide for the conservation of the natural resources of the area.~~ Additional benefit may be provided through creation of wildlife habitat.

3. Applicability: the provisions of this system of elements to convey runoff applies to all lands by utilizing vegetative and mechanical protection for control of erosion and pollution.

4. Policies.

a. Cost-sharing is authorized for practices required in a complete stormwater control system. Such practices shall include, but are not limited to, channel lining, chutes, drop spillways, vegetative filter strips, protective outlets, sod waterways, permanent sod cover, fencing and permanent vegetation including trees, shrubs and grasses. ~~that provide wildlife habitat and visual enhancement.~~

b. Cost-sharing is authorized for tile systems necessary for the establishment and operation of erosion control practices such as ~~waterways, terraces or diversions.~~ stormwater control systems.

c. Cost-sharing is authorized for seedings necessary to properly ~~establish the practices or permanently stabilize critical areas.~~ stabilize this practice.

F. Field windbreaks.

1. Definition: a strip or belt of trees, shrubs or grass barriers established within or adjacent to a field.

2. Purpose: ~~to reduce soil blowing, to conserve moisture, to control snow deposition, to protect crops, livestock and wildlife and to beautify and otherwise enhance the landscape.~~ wind erosion. Additional benefits may be gained from: the protection of crops, livestock, and wildlife; increased moisture conservation by controlling snow deposition; and to beautify and otherwise enhance the landscape.

3. Applicability: in or around open fields which need protection against wind damage to soils. Additional benefit may be realized from the creation of wildlife habitat.

4. Policies: cost-sharing is authorized for land preparation, planting materials, planting, chemicals for weed

control and other applicable costs necessary to establish the system. The land occupier shall be responsible for controlling competitive vegetation for two years following planting and shall bear the cost of control.

G. Animal wastes control systems.

1. Definition: a planned agricultural waste management system to contain and manage liquid and solid wastes including runoff from concentrated animal waste areas with ultimate disposal in a manner which does not degrade ~~air,~~ soil or water resources. This practice includes systems for safe disposal of livestock wastes through use of soil and plants.

2. Purpose: agricultural waste management systems are used to manage wastes in rural areas in a manner which prevents or minimizes degradation of ~~air,~~ soil and water resources and protects public health and safety. Such systems are planned to preclude discharge of pollutants to surface or ground water and, to the fullest practicable extent, recycle wastes through soil and plants.

3. Applicability:

a. to any animal confinement area, any part of which is located within 300 feet of a stream or 1,000 feet of a lake or to an animal confinement area identified as a pollution problem by the district board, and/or Minnesota Pollution Control Agency;

b. for other requests for this practice, the district may refer the request to Minnesota Pollution Control Agency for a priority needs determination.

4. Policies.

a. Cost-sharing is authorized for all structures and vegetative practices necessary to store animal wastes or control stormwater runoff from animal confinement areas including storage facilities, diversions, waste storage pond, and waterways. A complete system, controlling discharge of runoff from animal confinement areas to waters of the state, will required.

b. Cost-sharing is authorized for tile systems necessary for the establishment and operation of a system.

c. Cost-sharing is authorized for seedings necessary to properly establish a system.

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d. Cost-sharing is authorized for fencing necessary to protect a system.

e. Cost-sharing is prohibited on any costs normally incurred in the management of an animal confinement area. This shall include buildings, yards, pumps, tank wagons, etc.

f. Holding tanks, collection basins and other animal waste storage facilities are eligible for cost-sharing provided the district board determines that they are necessary to protect water quality and also provided that the entire system needed to control pollution is installed.

g. A holding tank which will become an integral part of a building is eligible for cost-sharing provided there is no other feasible alternative available for controlling pollution. The district board, with technical review completed by technicians available to them, shall make the final decision concerning the cost-sharing eligibility of such a system. For purposes of determining the cost-share payment, the cost of the building foundation and the cost of the building are not eligible for cost-sharing. The cost attributable to the foundation shall be represented by the top four feet of the storage tank walls.

h. Equipment utilized in the handling or transfer of animal waste is ineligible for cost-sharing, except that animal waste conveying pipe from point of generation to the storage facility shall be eligible for cost-sharing.

H. Critical area stabilization.

1. Definition: planting vegetation such as trees, shrubs, vines, grasses or legumes on sites subject to severe erosion. (Does not include tree planting primarily for wood products.)

2. Purpose: to provide permanent vegetative cover to stabilize the soil; to protect from wind and water erosion; reduce damage from sediment and runoff to downstream areas; ~~improve wildlife habitat, enhance natural beauty.~~ Additional benefit may be gained by improving wildlife habitat and the enhancement of natural beauty.

3. Applicability: on sediment producing, highly erodible or severely eroded areas (including urban areas), such as, but not limited to, dams, dikes, abandoned mine spoil, levees, channels, waterways, terrace backslopes, and denuded or gullied areas where vegetation is difficult to establish.

4. Policies.

a. Cost-sharing for stabilizing roadside, streambed

and lakeshore erosion is authorized only when it is a part of a larger stabilization project.

b. Cost-sharing is authorized for seed and seeding and other associated costs necessary to stabilize the area.

SWC 5. Cost-share rates.

A. Maximum rates. The maximum percent of the total cost of a practice that may be funded by state cost-share funds is 75 percent. Where state and federal monies are cost-shared on the same project, their combined amount shall not exceed 75 percent of the total cost of the project.

B. District rates. Each district shall establish its cost-share rates as provided in SWC 3 B. 2.

Department of Public Welfare Bureau of Support Services

Adopted Rule Regarding State Financial Participation in County Welfare Administration Cost

The rule published at *State Register*, Volume 2, Number 22, p. 1100, Dec. 5, 1977 (2 S.R. 1100), is adopted and is identical to the proposed form, with the following amendments:

DPW 56 C. Subject to the provisions herein, the Department of Public Welfare shall reimburse counties on a quarterly basis up to 50 percent of all salary expenses incurred and paid by the counties in providing financial assistance and social services in connection with all public assistance programs and for which no other payment or federal reimbursement has been made. If the appropriation is insufficient to pay all approved claims the Commissioner of the Department of Public Welfare shall make a pro rata reduction in payments based upon earnings. Such reimbursement may be available for salary expenses of employees of the county welfare agency who are permanent; probationary; provisional limited term; when such employee is filling an established job while the incumbent is on leave; and for intermittent or trainees, when such trainees are employed on a full-time established training program

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performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period.

DPW 56 D. Within 30 days after the end of each calendar

DPW 56

quarter, each county welfare agency is required to submit figures showing the total number of employees whose salary is reimbursable along with the total amount reimbursable.

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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.



Sinclair Lewis (1885-1951) was a native of Sauk Centre, Minnesota. In 1930 he became the first American to win the Nobel Prize for literature.

Department of Education Board of Education

Proposed Rules Governing the Standard for Determining School Segregation and Community Services Dealing Specifically with the Limitations on Aids and Levies and the Annual Reporting Date

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matters will be held in the State Office Building, Room 83, St. Paul, Minnesota on Friday, August 11, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written material may be submitted at the hearing. In addition, written material may be submitted by mail to Mr. George Beck, Office of Hearing Examiner, 1745 University Avenue, Room 300, St. Paul, Minnesota 55104, (612) 296-8108, before the hearing or after the hearing until the record is closed. The record will remain open for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

A copy of the proposed rules EDU 621 C., EDU 625 A.; and rules EDU 682 and EDU 687 are attached hereto. EDU 621 C. as it is currently written states that a school is segregated when it contains more than 30 percent or more minority students. It is proposed that EDU 621 C. be amended to state that segregation occurs whenever the minority composition of a school exceeds the racial composition of the total district by more than 15 percent. This change will result in the rule applying to all school districts and will permit a flexible standard by which the individual demographic condition of each district may be considered. EDU 625 A. as it is currently written permits the Commissioner of Education to allow a school district to exceed the 30 percent limitation, but not to exceed 40 percent, if an educational reason would justify that additional latitude. It is proposed that EDU 625 A. be amended to allow a district to exceed the 15 percent limitation, but not to exceed 50 percent minority enrollment. The proposed increase from 40 to 50 percent is in recognition of demographic changes that are occurring in the state. One free copy may be obtained by writing to the Minnesota Department of Education, Equal Educational

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Opportunities Section, 630 Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101.

The changes in EDU 682 merely remove language that indicates that community education is partly for adult vocational education. That language is deemed inconsistent with Minn. Stat. § 275.125, subd. 8 (1) (Supp. 1977), which lists the purposes of the community education levy and does not include adult vocational education programs. The change in EDU 687 merely offers school districts a longer period of time in which to report their community service levy to the Commissioner of Education. One free copy may be obtained by writing to the Minnesota Department of Education, Community Education Section, 680 Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

The board's authority to promulgate the proposed rules EDU 621 C. and 625 A. is contained in Minn. Stat. § 121.11, subsd. 7 and 12; 124.14; 124.66 (1); and 127.08. The board's authority to promulgate EDU 682 and 687 is Minn. Stat. § 121.86. A statement of need and reasonableness explaining why the board believes the proposed rules are necessary and reasonable, and evidence outlining the testimony to be introduced, shall be filed with the Hearing Examiner's office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A (1976) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

Howard B. Casmey, Secretary
Board of Education

June 5, 1978

Rules as Proposed

Chapter Thirty-One ~~Regulations~~ Rules Relating to Equality of Educational Opportunity and School Desegregation

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EDU 682

EDU 621 Definitions. For the purposes of EDU 620-639, the following words and phrases shall have the meaning ascribed to them:

A. No change.

B. No change.

C. ~~Segregation occurs when a public school has a student body of 30 percent or more minority group students. Segregation occurs in a public school district when the minority composition of the pupils in any school building exceeds the minority racial composition of the entire district by more than 15 percent.~~

EDU 625 Contents of plan: approval or rejection.

A. ~~The 30 percent requirement of EDU 621 C. shall be used as the standard for local school boards in the process of developing plans to remove racial segregation in the district.~~

~~Notwithstanding the 30 percent standard, the commissioner may, if the local board can justify an educational reason to the state board from the comprehensive school desegregation plan submitted, approve school desegregation plans that vary from the 30 percent standard to not more than 40 percent.~~

The 15 percentage points requirement of EDU 621 C. shall be used as the standard for local school boards in the process of developing plans to remove racial segregation in the district.

Notwithstanding the 15 percentage points standard, the commissioner may, if the local board can justify an educational reason for the variance to the state board from the comprehensive school desegregation plan submitted, approve school desegregation plans that vary from the standard except the variance may not cause any school building to exceed 50 percent minority enrollment.

Chapter Thirty-Four Community Services

EDU 682 Limitation on aids and levies.

A. No change.

B. General purpose community education funds shall not be used for adult vocational training. ~~An exception may be permitted when the advisory council, with local board of~~

PROPOSED RULES

EDU 682

education approval, deems that the vocational training has a special community significance in addition to individual benefit.

C. No change.

EDU 687 Annual report. Each year on or before ~~June 20~~ August 1, each district having a community service levy shall report to the Department of Education on forms authorized by the commissioner.

Department of Education Board of Education Proposed Temporary Rules Governing Educational Aids for Pupils Attending Nonpublic Schools

Notice of Opportunity for Public Comment

The State Board of Education has proposed the following temporary rules and shall adopt such temporary rules pursuant to Laws of 1978, ch. 733, §§ 1-19. These rules will supersede the rules of the State Board of Education, EDU 740-744, Chapter Thirty-Seven Instructional Materials for Pupils Attending Nonpublic Schools.

All interested persons are hereby afforded the opportunity to submit data and views for 20 days after publication of this material in the *State Register* on the proposed temporary rules by writing to Gary Farland, Director of State Aids, or David Noenning, Specialist, Nonpublic Pupil Aid, Minnesota State Department of Education, 807 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Any written material received by the agency shall become part of the hearing record in the final adoption of the temporary rules.

Temporary Rules as Proposed

Chapter Thirty-seven A Textbooks and Standardized Tests for Pupils Attending Nonpublic Schools

5 MCAR § 1.0745 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, textbooks and standardized tests as

provided by Minn. Stat. §§ 123.931-123.937 (1976 as amended) shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0746 Definitions.

A. "Textbooks" means books, workbooks, or manuals, whether bound or in looseleaf form, which a pupil uses as a text or principal source of study in a particular class or program in the school he regularly attends and a copy of which is expected to be available for the individual use of each pupil in this class or program. The term includes only such textbooks as are available and of benefit to Minnesota public school pupils and which are secular, neutral and nonideological such that the material contained therein is not regarded as religious, spiritual, or sacred, and presents events, facts and theories that pertain to religion or religious doctrine in an impartial manner.

B. "Standardized tests" means tests and scoring services available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

5 MCAR § 1.0747 State administration.

A. The Department of Education shall administer funds allocated for the purchase of textbooks and standardized tests to be loaned or provided to nonpublic school pupils.

B. The Department of Education, in cooperation with the State Auditor's Office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of textbooks and standardized tests to be loaned or provided to nonpublic school pupils.

C. Computation of pupil allocation. On or before March 1 the Department of Education shall determine, from the most recent data available, the allocation available per pupil for textbooks and standardized tests to be used for the following school year. The allocation per pupil shall be determined by dividing the total expenditure for textbooks and standardized tests by all public school districts in the state by the average daily membership of pupils enrolled in the districts during the same fiscal year. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

5 MCAR § 1.0748 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the public school district or intermediary service area a preliminary application for participation in the textbooks and standardized tests aid pro-

PROPOSED RULES

gram. The preliminary application shall be on forms provided by the department of education and shall include:

1. an estimate of the nonpublic school pupils, kindergarten through grade twelve, who will be enrolled as of September 15 of the following school year and who will be signing pupil request forms for textbooks and standardized tests;

2. an estimate of the nonpublic school's total allocation available for textbooks and standardized tests; the estimated allocation is determined by multiplying the estimated count of participating pupils by the allocation available per pupil for textbooks and standardized tests; pupils in grades one through twelve are counted as one pupil each, kindergarten pupils are counted as one-half pupil each.

B. Purchase of materials. On or before May 1, the public school district or intermediary service area shall have completed its review of the preliminary application and shall notify the nonpublic school that it may begin submitting requests for textbooks and standardized tests for the following school year based on the estimated allocation. The materials requested by the nonpublic school shall be purchased by the public school district or intermediary service area within a reasonable time of the receipt of the requests. After the materials have arrived, they shall be promptly transmitted to each nonpublic school in the public school district or intermediary service area for distribution to the pupil applicants.

C. Final application. On or before September 25, the nonpublic school shall make final application for participation in the textbooks and standardized tests aid program to the district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall be on forms provided by the department of education and shall include:

1. a count of the nonpublic school pupils, kindergarten through grade twelve, who are enrolled as of September 15 of the current school year and who have signed pupil request forms for textbooks and standardized tests;

2. the nonpublic school's allocation for textbooks and standardized tests; the actual allocation shall be determined by multiplying the allocation available per pupil for textbooks and standardized tests by the total number of participating pupils; pupils in grades one through twelve are counted as one pupil each, kindergarten pupils are counted as one-half pupil each.

5 MCAR § 1.0749

D. Nonpublic school files. The nonpublic school shall maintain on file all pupil request forms for textbooks and standardized tests loaned or provided to nonpublic school pupils. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. Inventory. Textbooks and standardized tests loaned to pupils in nonpublic schools shall be maintained on inventory by the public school district or intermediary service area except in cases of consumable or nonreusable materials. The public school district or intermediary service area may declare loaned school books unusable after five years and remove them from the inventory.

F. Reimbursement. Upon completion of the distribution of the textbooks and standardized tests, each public school district or intermediary service area may claim from the Department of Education (1) the cost of materials and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the materials distributed. The administrative costs shall be in addition to the allocation available for textbooks and standardized tests. Handling and shipping charges by the vendor shall be included in the allocation for textbooks and standardized tests for each nonpublic school.

G. Certificate of compliance. Each claim for reimbursement shall include a certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in § 1.0746.

H. Materials list. The public school district or intermediary service area shall include with each claim for reimbursement a list of the textbooks and standardized tests actually purchased. Such list shall also include the titles and the publishers of the materials.

Chapter Thirty-seven B Instructional Materials for Pupils Attending Nonsectarian Nonpublic Schools

5 MCAR § 1.0749 Policy. Instructional materials, as provided by Minn. Stat. § 123.938 (1978), shall be made available to pupils attending nonsectarian nonpublic schools, provided such schools have an enrollment less than 200 pupils and are not preschools. The instructional materials aid shall be supplemental to the educational aids and services available to nonpublic school pupils as provided by Minn. Stat. §§ 123.931-123.937 (1976 as amended).

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

5 MCAR § 1.0750

5 MCAR § 1.0750 Definitions and general requirements.

A. "Nonsectarian nonpublic school" means any nonpublic school which is not church-related, not controlled by a church, and does not promote a religious belief.

B. The enrollment limitation of 200 pupils is based on the total number of pupils in kindergarten through grade twelve who are enrolled as of September 15 of the school year in which the aid is to be provided. For purposes of this count, all pupils, kindergarten through grade twelve, are counted as one pupil each.

C. "Instructional materials" means "school library and audio-visual materials" and "instructional supplies."

1. School library and audio-visual materials include materials such as school library books and pamphlets available for individual use by students; maps and globes for individual use; periodicals and newspapers for individual use; audio-visual materials used in the instructional program such as films, filmstrips, recordings, exhibits, models, and television and radio teaching materials, exclusive of equipment.

2. Instructional supplies are consumable items such as tests, chalk, paper, test tubes, ink, pencils, paint, paint brushes, crayons, chemicals, shop supplies for vocational education, oils, cleaners, instructional farming supplies, supplies for the operation of equipment used in the teaching-learning process, physical education supplies, printing of individual materials, and magazines or periodicals for individual use.

D. Instructional materials must be secular, neutral, and nonideological such as the materials normally provided for pupils in public schools.

5 MCAR § 1.0751 State administration.

A. The department of education shall administer funds for the provision of instructional materials to pupils attending nonsectarian nonpublic schools.

B. The department of education, in cooperation with the State Auditor's Office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of instructional materials to be loaned or provided to nonpublic school pupils.

C. Computation of pupil allocation. On or before March 1, the Department of Education shall determine the allocation available per pupil for instructional materials to be used for the following school year. The allocation per pupil shall

be determined by dividing the total expenditure for instructional materials by all public school districts in the state by the total number of pupils based on an unduplicated count of pupils enrolled in the districts during the same fiscal year. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

5 MCAR § 1.0752 Local administration.

A. Preliminary application. On or before April 1, the nonpublic school shall submit to the public school district or intermediary service area a preliminary application for participation in the instructional materials aid program. The preliminary application shall be on forms provided by the department of education and shall include:

1. an estimate of the nonpublic school pupils, kindergarten through grade twelve, who will be enrolled as of September 15 of the following school year and who will be signing pupil request forms for instructional materials;

2. an estimate of the nonpublic school's total allocation available for instructional materials; the estimated allocation is determined by multiplying the estimated count of participating pupils by the allocation available per pupil for instructional materials; pupils in grades one through twelve are counted as one pupil each, kindergarten pupils are counted as one-half pupil each;

3. a statement by representatives of the nonpublic school indicating that the school shall meet all the requirements for the instructional materials aid for the following school year as set forth in § 1.0749 and § 1.0750.

B. Purchase of materials. On or before May 1, the public school district or intermediary service area shall have completed its review of the preliminary application and shall notify the nonpublic school that it may begin submitting requests for instructional materials for the following school year based on the estimated allocation. The materials requested by the nonpublic school shall be purchased by the public school district or intermediary service area within a reasonable time of the receipt of the requests. After the materials have arrived, they shall be promptly transmitted to the nonpublic school for distribution to the pupil applicants.

C. Final application. On or before September 25, the nonpublic school shall make final application for participation in the instructional materials aid program to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall be on forms provided by the department of education and shall include:

1. a count of the nonpublic school pupils, kindergarten through grade twelve, who are enrolled as of September 15

PROPOSED RULES

of the current school year and who have signed pupil request forms for instructional materials;

2. the nonpublic school's allocation for instructional materials; the actual allocation shall be determined by multiplying the allocation available per pupil for instructional materials by the total number of participating pupils; pupils in grades one through twelve are counted as one pupil each, kindergarten pupils are counted as one-half pupil each;

3. a statement by representatives of the nonpublic school indicating that the school meets all the requirements for the instructional materials aid as set forth in § 1.0749 and § 1.0750.

D. Nonpublic school files. The nonpublic school shall maintain on file all pupil request forms for instructional materials loaned or provided to nonpublic school pupils. The forms shall be available for inspection by the Department of Education.

E. Inventory. Instructional materials loaned to pupils in nonpublic schools shall be maintained on inventory by the public school district or intermediary service area except in cases of consumable or nonreusable materials. The public school district may declare loaned school books unusable after five years and remove them from the inventory.

F. Reimbursement. Upon completion of the distribution of the instructional materials, each public school district or intermediary service area may claim from the Department of Education (1) the cost of the materials and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the materials distributed. The administrative costs shall be in addition to the allocation available for textbooks and standardized tests. Handling and shipping charges by the supplier shall be included in the allocation for each nonpublic school.

C. Certificate of compliance. Each claim for reimbursement shall include a certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitation as set forth in § 1.0749.

H. Materials list. The public school district or intermediary service area shall include with each claim for reimbursement a list of the materials actually purchased. Such list shall include the titles and the publishers of the materials.

5 MCAR § 1.0755

Chapter Thirty-seven C Health Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0753 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, health services as provided by Minn. Stat. §§ 123.931-123.937 (1978), shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0754 Definitions and general requirements.

A. "Health services" means physical and mental health services provided by licensed health services personnel or their assistants. Licensed health services personnel includes physicians, dentists, professional nurses or optometrists.

B. Health services shall not include the direct educational instruction of nonpublic pupils by health services personnel.

C. Health services shall not include those services which are required under the Special Education Law, Minn. Stat. § 120.17 (1976, as amended), or which are eligible to receive reimbursement under the Special Education Aid Law, Minn. Stat. § 124.32 (1976, as amended).

D. The public school district or intermediary service areas shall provide those specific health services which it offers to its public school pupils, provided the costs for such services do not exceed the amount allocated for health services by the Department of Education.

E. Costs relating to the provision of health services shall include (1) the salaries of licensed health services personnel and their assistants and (2) expenses for supplies, equipment and travel that are directly associated with the provision of health services by the licensed health services personnel or their assistants.

F. Health services may be provided at the nonpublic school, a neutral site, or at the public school.

5 MCAR § 1.0755 State administration.

A. The Department of Education shall administer funds for the provision of health services to nonpublic school pupils.

B. The Department of Education, in cooperation with the

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PROPOSED RULES

5 MCAR § 1.0755

State Auditor's Office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of health services to nonpublic school pupils.

C. Computation of pupil allocation. On or before March 1, the Department of Education shall determine from the most recent data available the allocation available per pupil for health services to be used for the following school year. The allocation per pupil for health services shall be the average expenditure per public school pupil for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

5 MCAR § 1.0756 Local administration.

A. Preliminary application. On or before April 1, the nonpublic school shall submit to the district or intermediary service area a preliminary application for health services beginning with the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include an estimate of the nonpublic school pupils, kindergarten through grade twelve, who will be enrolled as of September 15 of the following school year and who will be signing pupil request forms for health services. The preliminary application may also include an assessment of the type and level of health services desired for the following school year.

B. Annual consultation. Each year the district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which health services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before August 1, the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of health services that are to be made available during the following school year.

D. Final application. On or before September 25, the nonpublic school shall make final application for health services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of

nonpublic school pupils who are enrolled as of September 15 and have signed pupil request forms for health services.

E. Submission of program and budget. On or before October 15, the public school district or intermediary service area shall submit to the Department of Education a program and budget of the health services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the Department of Education and shall include:

1. projected health services expenditures for salaries, supplies, equipment and other expenses, which expenditures shall not exceed the amount allocated for health services to the public school district or intermediary service area by the Department of Education; the allocation for health services is determined by multiplying the total number of participating pupils by the allocation available per pupil for health services as set forth in § 1.0755 C.; pupils in grades one through twelve are counted as one pupil each, kindergarten pupils are counted as one-half pupil each;

2. projected expenditures for health services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for health services for nonpublic school pupils and which shall be in addition to the health services allocation.

F. December 1 payment. On or before December 1, the Department of Education shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved budget.

G. Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the Department of Education a year-end report of health services provided to nonpublic school pupils. The report shall be on forms made available by the Department of Education.

H. Final payment. On or before September 1, the Department of Education shall make the final adjusted payment to the district or intermediary service area based on the year-end report.

I. Nonpublic school files. The nonpublic school shall maintain on file all pupil request forms for health services. The forms shall be available for inspection by the Department of Education, the public school district or the intermediary service area.

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 Corrections Minnesota State Prison — Stillwater

Notice of Request for Proposals for Family Counseling Services

Notice is hereby given to request proposals for providing family counseling services to inmate residents of the Minnesota State Prison and their relatives as outlined in the Resident Family Counseling Program descriptions at an annual cost not to exceed \$9,900.00.

These proposals must be submitted by 4:30 p.m. July 28, 1978, to Pete Bjurstrom, Director of Minimum Security, Minnesota State Prison, Stillwater, MN 55082. Please contact Mr. Bjurstrom at (612) 439-1910, ext. 403, if interested.

County Attorneys Council Notice of Request for Proposals for Production of Multi-media Package

The Minnesota County Attorneys Council is seeking proposals for a professional services contract for the production of a multi-media package to be used by County Attorneys in Minnesota to educate the public as to the role and responsibilities of the County Attorney's office. The contractor will design and produce a color slide presentation that can be reproduced as a film strip as well as written material to complement the slide presentation.

The contractor will also produce taped material on the

(CITE 3 S.R. 35)



A few pairs of golden eagles nest in western Minnesota, which is the eastern edge of the bird's migration range. A protected species, the golden eagle has a wing span of approximately seven feet. Of the 48 varieties of eagles in the world, only bald and golden eagles breed in the United States and Canada.

role of the County Attorney's office for potential use on radio. All materials will be educational in scope and design applicable to County Attorney offices on a statewide basis.

The estimated cost of contract services is \$13,000. All work must be completed by September 30, 1978.

Requests for Proposals, and other information may be obtained from: Stephen J. Askew, Executive Director, County Attorneys Council, Suite 106, 40 North Milton Street, St. Paul, Minnesota, (612) 296-6972.

Proposals must be received by July 31, 1978 at 12:00 noon.

Energy Agency Data and Analysis Division

Notice of Availability of Contract for Study of Building Heating Systems to Determine Cost of Conversion to Hot Water District Heating

The Minnesota Energy Agency hereby gives notice of its

STATE CONTRACTS

intent to enter into a consultant contract for the purposes of determining the cost to convert the heating systems of several existing buildings to use heat from a hot water district heating system. Consultant will do plan design of heating system conversion and obtain a detailed estimate of the cost required for the conversion. Contractors must have experience in the design of large building heating systems, district heating system. Experience is desired.

Contact Person: Ardell Rucker
Minnesota Energy Agency
980 American Center Building
150 E. Kellogg Blvd.
St. Paul, Minnesota 55101
(612) 296-7982

Estimated cost: Approximately \$8,000.00.

Submission Deadline: Interested parties must submit information to Ardell Rucker by 4:30 p.m. July 21, 1978.

Department of Transportation Bureau of Operations Notice of Availability of Contract for Preliminary Engineering for Highway Design

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform preliminary engineering work on the following segments of I-35E and I-494 in Dakota County:

1. I-35E from near County Road 26 (Lone Oak Road) to T.H. 110 and I-494 from the Minnesota River to near the west limits of South St. Paul. The work on these segments will consist of the performance of the remaining field surveys, soil surveys and analysis, foundation investigations and the preparation of right-of-way base maps and plats.

2. I-35E from near County Road 26 (Lone Oak Road) to T.H. 110 and I-494 from easterly of County Road 31 (Pilot Knob Road) to easterly of T.H. 49 (Dodd Road). The work on these segments will consist of final horizontal and vertical alignment, typical sections, geometrics for all roadways including approximate bridge lengths, utility data, drainage structures including culverts and storm sewers, railroad shoo-fly alignment, grades and construction limits, cross-sections, preliminary estimate of earthwork, noise abatement design, roadway construction limits and attendance at various public and Mn/DOT meetings.

The estimated fee range for this project is \$400,000 to \$600,000. Firms based or having established offices in the State of Minnesota are to be given first consideration.

Firms desiring consideration shall express their interest and submit their current Federal Forms 254 and 255 to Mn/DOT before July 17, 1978.

This is not a request for proposal. Send your response to:

B. E. McCarthy
Consultant Services Engineer
Room 612B
Transportation Building
St. Paul, Minnesota 55155
(612) 296-3051

OFFICIAL NOTICES



Fort Snelling, overlooking the junction of the Minnesota and Mississippi Rivers, was completed in 1824 and named for its commander, Col. Josiah Snelling. The site was acquired from the Sioux Indians in 1805.

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.

Ethical Practices Board Outside Opinion Solicited on Request for an Advisory Opinion Regarding Statements of Economic Interest

The State Ethical Practices Board solicits opinions of any individual or association regarding the following request for an advisory opinion, prior to approval by the Ethical Practices Board, concerning whether Assistant Directors of the Crime Control Planning Board are required to file Statements of Economic Interest.

6/26/78

TO: B. Allen Clutter, Executive Director
Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155

SUBJECT: Statements of Economic Interest

The Crime Control Planning Board has no Deputy Director but does have two Assistant Directors. It is not clear to

us whether either, or both, of the Assistant Directors should be considered "Deputy Chief Administrative Officers," subject to the requirements of Minnesota Statutes 10A. For this reason the Crime Control Planning Board hereby requests from the Board of Ethical Practices an advisory opinion as to whether either or both of the Crime Control Planning Board's Assistant Directors are required to file Statements of Economic Interest with the Ethical Practices Board, according to Minnesota Statutes 10A. The names and home addresses of the two incumbent Assistant Directors are as follows:

William L. Lucas
Assistant Director — Administration
3124 East Minnehaha Parkway
Minneapolis, MN 55406

Lawrence V. Grant
Assistant Director — Program
4240 Aldrich Avenue South
Minneapolis, MN 55409

Enclosed are copies of the appointment forms and position descriptions for these two employees to aid you in forming your opinion.

Bill Lucas
Assistant Director

Department of Health Office of Health Facility Complaints

Notice of Intent to Solicit Outside Information on Proposed Rules Concerning Procedures for Handling Complaints

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (1976), that the Director of the Minnesota Office of Health Care Facility Complaints will propose the adoption of new rules relating to the procedures by which complaints will be handled by the office.

All interested parties desiring to submit data or views relating to the proposed adoption of the rules relating to the office should address their comments (either written or oral) to Jean A. Donaldson, RD, Executive Director, Office of Health Care Facility Complaints, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, (612)296-5562. Material and comments submitted for consideration should be pertinent to the matter at hand.

OFFICIAL NOTICES

Any materials submitted shall be reviewed and considered by the commissioner during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be published in the *State Register* and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provision of the Administrative Procedure Act.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 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 Practice Board, 41 State Office Building, St. Paul, Minnesota 55155, (612)296-5615.

June 22, 1978

Jean A. Donaldson, Rd
Executive Director

Pollution Control Agency Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Governing Publicizing of Behind-schedule or Substandard Wastewater Treatment Projects

Notice is hereby given that the Minnesota Pollution Control Agency is considering proposed rules governing publication in the State Register of certain behind-schedule and substandard wastewater treatment projects. Such publication is required by Laws of 1978, ch. 614. The agency will be seeking information or opinions from outside sources in preparing these proposed rules. All interested persons or groups are requested to submit data or views on this subject in writing or orally.

Written statements may be addressed to:

Mr. Tim K. Scherkenbach
Minnesota Pollution Control Agency
Division of Water Quality
1935 West County Road B-2
Roseville, Minnesota 55113

Oral statements will be received during regular business hours over the telephone at (612) 296-7236 and in person at the above address.

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

The agency may also hold meetings in the course of developing the proposed rules. Any person who wishes to receive notice of such meetings should contact Tim K. Scherkenbach at the address noted above.

Department of Public Welfare Medical Assistance Division Notice of Intent to Solicit Outside Opinion Regarding MA Payment of a Pharmacy Dispensing Fee

Notice is hereby given that the Minnesota Department of Public Welfare is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing payment by the Medical Assistance Program of pharmacy dispensing fees.

All interested persons or groups are requested to comment orally or in writing. Written comments may be addressed to:

John Bush, R.Ph.
Department of Public Welfare
Medical Assistance Division
Box 43170
St. Paul, Minnesota 55164

Oral comments will be received during regular business hours over the telephone at (612) 296-2363.

All comments must be received by August 18, 1978. Any written material received by the Department shall become part of the hearing record.

Ethical Practices Board Notice of Meeting

Date: July 18, 1978

Time: 11:00 a.m.

OFFICIAL NOTICES

Place: Room 14, State Office Building

Preliminary Agenda

1. Minutes (June 12, 1978)
2. Chairman's Report
 - a) Introduction of New Member
 - b) Wage and Salary Committee
 - c) Appointment of Legislative Committee
3. Legal Counsel Report
 - a) Campaign Finance Rules
 - b) Socialist Workers' Party Exemption Request
 - c) Red Lake Tribal Council
4. Advisory Opinion Request — Donald J. Moll — UAW-V-CAP
5. Advisory Opinion Request — Bill Lucas — Crime Control Planning Board
6. Proposed Lobbyist Rules
7. Executive Director's Report
 - a) Fiscal Report

- b) Public Financing Estimates
- c) Delinquent Committees and Funds

8. Other Business

9. Executive Session Pursuant to Minn. Stat. 10A.02, subd. 11

Department of Health Manpower Division Notice of Public Hearing Regarding Physical Therapist Assistants

A public forum concerning the credentialing/regulation of Physical Therapist Assistants will be held July 25, 1978, at 5:30 p.m. in Room 105 of the Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota. Information regarding the application for credentialing is on file at your local Health Systems Agencies, Marshall Community-based Health Education Consortium office, District Health Department offices and in the Minnesota Department of Health, Division of Manpower, Room 345, 717 Delaware Street S.E., Minneapolis, Minnesota. For further information please call (612) 296-5393/5532.

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