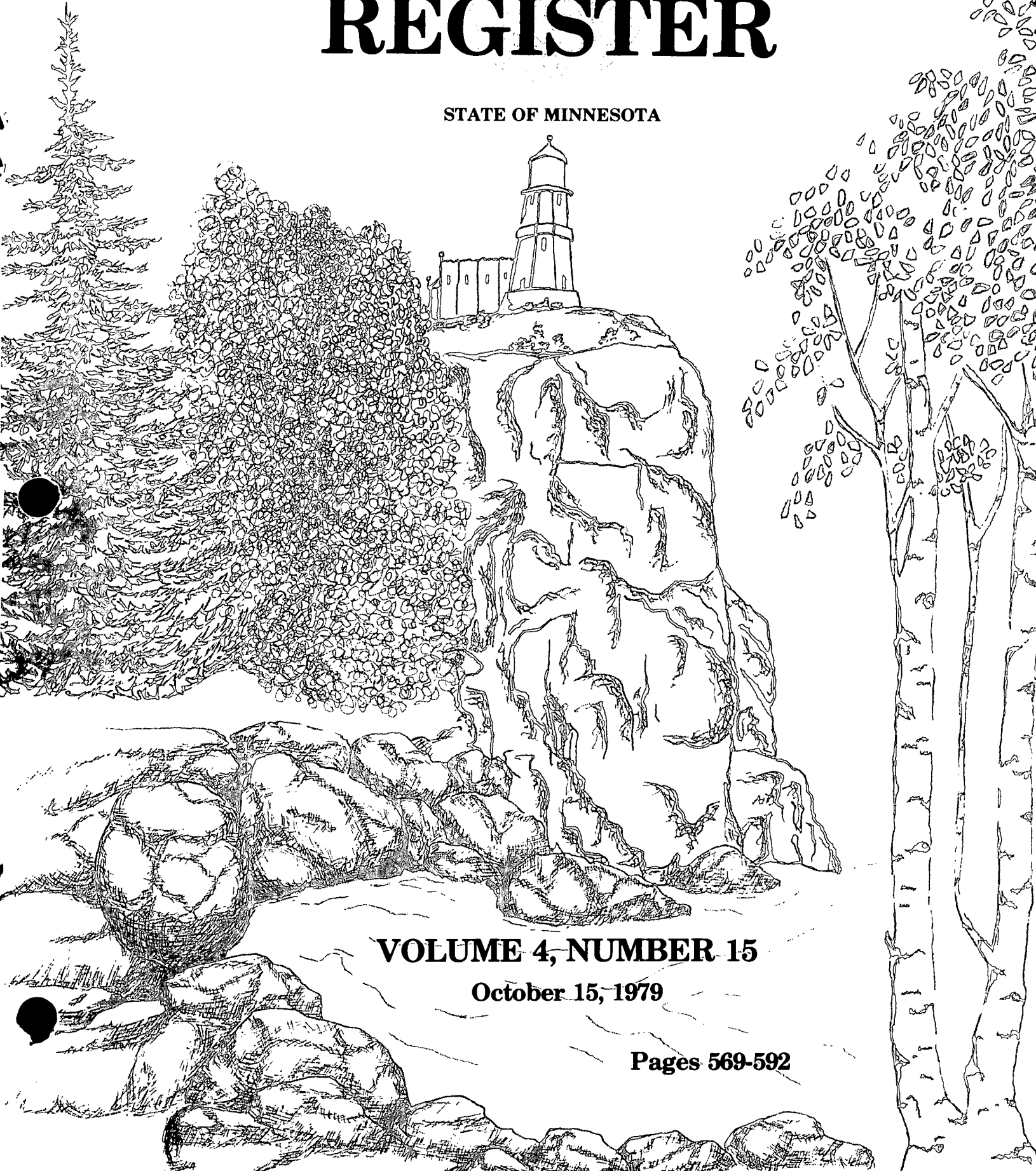


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# STATE REGISTER

STATE OF MINNESOTA



**VOLUME 4, NUMBER 15**

**October 15, 1979**

**Pages 569-592**



**Volume 4 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
SCHEDULE FOR VOLUME 4			
16	Monday Oct 8	Monday Oct 15	Monday Oct 22
17	Monday Oct 15	Monday Oct 22	Monday Oct 29
18	Monday Oct 22	Monday Oct 29	Monday Nov 5
19	Monday Oct 29	Monday Nov 5	Monday Nov 12

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

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# CONTENTS

## MCAR AMENDMENTS AND ADDITIONS

572

## RULES

### Board of Teaching

Adopted Rules Governing Procedures for the Issuance of Life Licenses, Teachers Prepared in States Other Than Minnesota ..... 572

## PROPOSED RULES

### Department of Education School Management Services Division

Proposed Adoption of Rules Governing Education Computer Systems — 5 MCAR §§ 1.0900-1.0904 ..... 573

### Department of Education Special Services Division

Proposed Repeal of Rule EDU 641 Governing Veterans Refund Policy ..... 573

### Department of Health Personal Health Services Division

Proposed Amendments to Rules Relating to Testing School Employees for Tuberculosis, 7 MCAR §§ 1.327-1.328 ..... 577

### Pollution Control Agency

Proposed Amendment of SW 11 Granting an Exemption for Sparsely Populated Areas from Certain Sanitary Landfill Operating Standards ..... 579

## SUPREME COURT

Decisions Filed Friday, October 5, 1979 ..... 582

## STATE CONTRACTS

### Department of Natural Resources Minerals Division

Notice of Request for Proposals for Mapping Vegetation on a Portion of the Mesabi Iron Range ..... 582

### Department of Economic Development Development Grants and Loans Division

Notice of Request for Proposals for a Marketing Feasibility Study for the Officer's Row Convention Center and Resort ..... 583

### Iron Range Resources and Rehabilitation Board Iron Range Interpretive Program

Notice of Request for Proposals for Planning of Development and Use of Ethnic Arts Center at the Iron Range Interpretive Center ..... 583

## Metropolitan Council

Notice of Request for Proposals for Engineering Services for the Metropolitan Council of the Twin Cities Area ..... 583

## OFFICIAL NOTICES

### Department of Corrections

Notice of Intent to Solicit Outside Opinion Regarding Secure Juvenile Detention Facilities, Juvenile Treatment Facilities, Juveniles Detained in Jails and Physical Plant Requirements for Jail Type Facilities Built Prior to May of 1978 ..... 584

### Department of Commerce Insurance Division

Notice and Order for Hearing Regarding Purchase of North American Life and Casualty Company, a Minnesota Corporation, by Allianz Versicherungs-Aktiengesellschaft, a Federal Republic of Germany Corporation ..... 584

### Energy Agency Data and Analysis Division

Notice of Intent to Solicit Outside Information Concerning the Agency in Its Preparation for the Hearing to be Held on NSP's Application to Modify Prairie Island's Spent Fuel Pool ..... 585

### Department of Health Health Systems Division

Notice of Intent to Solicit Outside Opinion Concerning Rules Governing Certificates of Need for Health Care Facilities ..... 585

### Minnesota State Retirement System Special Meeting of the Board of Directors ..... 586

### Department of Personnel Social Security Retirement Division

Notice of Intent to Solicit Outside Opinion Concerning Proposed Revisions of Rule Relating to More Frequent Depositing of Social Security Contributions and Providing for Annual Reporting of Wages by Covered Public Employers ..... 586

### Department of Public Service Public Service Commission

Notice of Public Hearings on Home Energy Audits Under the National Energy Conservation Policy Act (NECPA) ..... 587

# MCAR AMENDMENTS AND ADDITIONS

All adopted rules published in the *State Register* and listed below amend rules contained in the Minnesota Code of Agency Rules (MCAR). Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of all proposed and adopted rules on the following schedule: issues 1-13, inclusive; issues 14-25, inclusive; issue 26, cumulative for 1-26; issues 27-38, inclusive; issue 39, cumulative for 1-39; issues 40-51, inclusive; and issue 52, cumulative for 1-52. The listings are arranged in the same order as the table of contents of the MCAR.

## TITLE 5 EDUCATION

### Part 1 Education Department

EDU 641 (withdrawn)  
5 MCAR §§ 1.0900-1.904 (proposed) .....573

### Part 3 Teaching Board

5 MCAR §§ 3.001, 3.060, 3.102-3.103, 3.108, 3.114 (proposed) ...543  
5 MCAR § 3.106 (adopted) .....540  
5 MCAR § 3.142 (adopted) .....572

## TITLE 6 ENVIRONMENT

### Part 4 Pollution Control Agency

SW 11 (proposed) .....579

## TITLE 7 HEALTH

### Part 1 Health Department

7 MCAR §§ 1.327-1.328 (proposed) .....577

## TITLE 10 PLANNING

### Part 1 State Planning Agency

10 MCAR §§ 1.300-1.305 (adopted) .....541

# RULES

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

If an adopted rule is identical to its proposed form as previously published, a notice of adoption 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.

## Board of Teaching Adopted Rules Governing Procedures for the Issuance of Life Licenses, Teachers Prepared in States Other Than Minnesota

The Minnesota Board of Teaching proposed and published the following rules at *State Register*, Volume 3, Number 24, pp. 1311-1312, December 18, 1978 (3 S.R. 1311).

Of these rules:

**5 MCAR § 3.002 Procedures for the issuance of life licenses** is severed and pending approval by the board.

**5 MCAR § 3.142 Teachers prepared in states other than Minnesota** is now adopted as proposed.

# 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 rule or amendment. 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.

## Department of Education School Management Services Division

### Proposed Adoption of Rules Governing Education Computer Systems — 5 MCAR §§ 1.0900- 1.0904

## Special Services Division

### Proposed Repeal of Rule EDU 641 Governing Veterans Refund Policy

#### Notice of Hearing

Notice is hereby given that a public hearing will be held in the above-entitled matter in the Veterans Service Building, Conference Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota 55155, on Monday, November 19, 1979, commencing at 8:30 A.M. with the repeal of EDU 641 and commencing at 9:00 A.M. with the rule governing Education Computer Systems and continuing until all interested or affected persons have had an opportunity to participate.

The Board proposes to repeal Rule EDU 641 governing Veterans Refund Policy. The statutory authority to repeal Rule EDU 641 is contained in Minn. Stat. § 124.565.

The Board also proposed to adopt rules governing Education Computer Systems. The statutory authority to promulgate the proposed rules is contained in Laws of 1979, ch. 334, article VI, § 1.

The proposed repeal of Rule EDU 641 and adoption of rules governing Education Computer Systems is subject to change as a result of the rule hearing process. The agency, therefore, strongly urges those who are potentially affected in any manner by the substance of proposed repeal or adoption to participate in the rule hearing process.

A copy of the proposed repeal of Rule EDU 641 and the proposed rules of Education Computer Systems is attached hereto. One free copy may be obtained by writing to the State Department of Education, Veterans Education Unit, Room 622 for Rule EDU 641 or to the State Department of Education, Education Data Systems Section, Room 803 for Education Computer Systems, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Additional copies will be available at the door on the date of the hearing.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to John Lunde, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-5938. After the public hearing, written material may be submitted to the hearing examiner and recorded in the hearing record for five working days, or for a longer period not to exceed 20 calendar days if so ordered by the hearing examiner. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered into and become part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners, 9 MCAR §§ 2.101-2.112 and by Minn. Stat. §§ 15.0411-15.0417 and § 15.042.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing, justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Notice. Any person may request notification of the date on which the hearing examiner's report will be available, after

**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

which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report) or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Under Minn. Stat. § 10A.01, subd. 11 (1978), as amended by Laws of 1979, ch. 59, § 3, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

"Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual wholly engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over \$250, excluding *his own* travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota 55155; telephone (612) 296-5615.

September 18, 1979

Howard B. Casmey, Secretary  
Board of Education

### Rule as Proposed (all new material)

#### Chapter Forty-Two: Computer Systems

##### 5 MCAR § 1.0900 Definitions.

A. Definitions. For the purpose of these rules, the following definitions are used:

1. "Board" means the State Board of Education.
2. "Commissioner" refers to the Commissioner of Education.
3. "Department" refers to the Department of Education.
4. "District" is defined as any independent, special, or common school district.
5. "ESV" refers to the elementary, secondary, and vocational education system in Minnesota and includes all school districts as defined above.
6. "ESV-IS" is the Elementary, Secondary, and Vocational Information System which is sometimes referred to as the "State-wide software" and the "software developed by MECC for the Department of Education."
7. "ESV-FIN" is the financial accounting subsystems of the ESV-IS.
8. "ESV-PPS" is the personnel payroll subsystem of the ESV-IS.
9. "ESV-SSS" is student support subsystem of the ESV-IS.
10. "ESV-IMS" is the instructional management subsystem of the ESV-SSS.
11. "MECC" is the Minnesota Education Computing Consortium.
12. "Region" and "regional management information center" is the administrative organization created to provide computer services to the school districts within the region and designated as a regional management information center by the Department of Education.
13. "Data element" is any representation of information such as alphabetic characters, or numbers or signs to which meaning may be assigned and which is suitable for communication, interpretation or processing by humans or by automated means.
14. "Data acquisition calendar" is the list of forms, applications, memoranda, or other instruments through

## PROPOSED RULES

which the districts are required to collect, record or report data, and indicates the date when such data is due to the Department.

15. "State computing plan" is the following collection of documents:

a. "A proposed educational computing services organization: its facilities and services" revised edition February 15, 1973.

b. "Minnesota educational computing consortium 'MECC' report — 1974" February, 1974.

c. "MECC update" September, 1974.

d. "Minnesota educational data processing to 1980" October, 1974.

e. "Summary of Minnesota educational computing plans and budget for the 1977-79 biennium" November, 1976.

f. "Summary of Minnesota educational computing plans and budgets for the 1979-81 biennium" November, 1978.

g. "Minnesota area vocational-technical institutes state plan for instructional data processing" July 1, 1979.

h. Such other documents as the State Board of Education may from time to time designate as an amendment to the State Plan.

16. "UFARS" is the Uniform Financial Accounting and Reporting System established in 5 MCAR §§ 1.0760-1.0769 adopted by the Board pursuant to Minn. Stat. §§ 121.90-121.928.

### 5 MCAR § 1.0901 Region plans and budgets.

A. By April 1 of each year, each regional management information center shall submit an annual plan and budget on behalf of its member districts to the Department of Education for its approval.

B. This plan and budget shall be on forms and in the format prescribed by the Commissioner.

C. The plan shall contain sufficient information so that it can be determined by the Department that:

1. The region has conducted a survey of each member district and has developed a statement of the needs for computer services for each of the member districts.

2. That each district will fully participate in the comprehensive financial reporting system utilizing the ESV-FIN system and that each district has an opportunity to fully participate or has an opportunity to participate to the extent of desired participation in the ESV-PPS, and/or ESV-SSS, and/or ESV-IMS through the availability of hardware, ESV-

IS software, and staff specialists to operate these systems during the normal working hours of the regional computer centers.

3. There is sufficient staff, computer hardware and related equipment to meet the needs expressed by the member districts and that the hardware and related equipment is compatible with the hardware and communication equipment used by the ESV-IS.

4. There are sufficient funds to support the staff, hardware, communication and other related costs of the regional management information center.

5. The region has the ability to provide information required by the annual data acquisition calendar and by the rules of the Board on behalf of its member districts by securing and operating such equipment using the software designed by, for, or on behalf of the Department as is necessary to produce computer tapes which are machine readable on the computer designated by the Department.

6. The region has a data base which it maintains for each school district which contains the data elements in the data element dictionary and the region has the necessary equipment and software to report to the Department, within 15 days, information based on these data elements using software designed by, for, or on behalf of the Department, on computer tape, which is machine readable on the computer designated by the Department.

7. The region has the ability to collect, store and report within 30 days, information requested by the Department, based on data elements not contained in the data element dictionary.

D. By February 1 of each year each district shall submit to the regional management information center a proposed budget and plan for computer services identifying the computer equipment, computer software, and staff it will use, the costs related to those items and any service fees or other computer related costs which will be incurred by the district and will not be provided by the region.

E. Each district shall collect, and shall store on the region computer, for reporting to the Department, the data elements contained in the data element dictionary. Each region shall maintain a database for each school district of data elements in the data element dictionary in the format according to the standards contained in 5 MCAR § 1.0903, subd. C.

F. The region shall submit a proposed annual budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

**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

G. By April 1 of each even numbered year, each existing region and any proposed region shall submit a proposed biennial budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

H. The Commissioner shall review any proposed equipment acquisition to determine whether the services requested justify the expenditures; and will review all costs to determine whether they are justified by the level of services to be provided.

I. The Commissioner shall make a determination whether there are sufficient funds to implement the annual or biennial plan and budget as presented and shall notify the region of his decision. In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to the Minnesota Educational Computing Consortium for a final determination.

J. Any change in level of service provided by the region or proposed equipment or changes that occur after a plan and budget has been approved must be separately approved by the Commissioner.

K. During the course of any year, the Commissioner may revoke a previously granted approval of a plan and budget on the basis that:

1. There has been an amendment to the plan or budget which materially affects the provision of services to members of the region and which has not been reported to or approved by the Department.

2. The region no longer has the ability to provide services according to the standards established in 5 MCAR § 1.0901 and 5 MCAR § 1.0902 necessary for the creation of a region.

### **5 MCAR § 1.0902 Creation of regions.**

A. Criteria for new regions. Two or more districts which desire to establish a new regional management information center shall submit to the Commissioner the following information:

1. Names and addresses of the districts who desire to operate the new region.

2. A plan and budget which meets the requirements of 5 MCAR § 1.0901.

3. A statement showing how the proposed region conforms to the state computing plan in that:

a. The hardware and its operating software proposed for the region is compatible to the hardware and operating software specified in the plan.

b. The software used is the ESV-IS software.

c. The staff is or will be trained on the ESV-IS and will be able to provide user coordination and data control services to the districts.

d. Services to AVTI schools located within the region are included in the proposed region plan and budget.

e. Communication networks are configured in the least costly manner.

f. The governance structure of the proposed region conforms to Minn. Stat. § 471.59.

4. The determination of whether the proposed region is cost effective will be based upon the following information:

a. The cost for data communications, hardware, staff, space rental, and other associated costs compared with projected costs if instead the member districts were to belong to existing regions that are in proximity to the member districts. Where the level and types of services in the proposed region differ from those which have been provided by regions in proximity to the member districts, those differences along with the costs associated with those differences must be documented.

b. Any continuing financial obligations where member districts are withdrawing from a previously existing region.

c. Any additional cost to other districts where a member district withdraws from an existing region, and the ability of the existing region to reduce those costs by the utilization of different hardware, and staff while still meeting its obligations under 5 MCAR § 1.0901. If the existing region cannot continue in a cost effective manner, the ability of the remaining member districts to join different regions who will meet their needs as specified in the existing plan filed pursuant to 5 MCAR § 1.0901, and the costs related to such a change.

d. The anticipated membership and service fees for the member districts compared with the membership and service fees if instead the member districts were to belong to existing regions that are in proximity to the member districts. Any difference in level of service between the proposed region and the regions in proximity must be documented.

B. Upon examination of the evidence presented in support of the creation of a new region, and after consultation with the Elementary, Secondary, and Vocational Computer Services Advisory Task Force, the Commissioner shall make recommendation to the Board for its determination.

C. Any new region which is approved pursuant to this rule shall come into existence on the July 1 of the next odd numbered year after its creation or when the Legislature makes express appropriations of regional subsidies for the region, whichever occurs first.

D. Any district which seeks to terminate membership in an existing region and affiliate with another existing region must file the same documentation and complete the same process as provided for the creation of a new region.

### **5 MCAR § 1.0903 Data element dictionary.**

A. The purpose of the data element dictionary is to provide a standardized table of data elements which districts are



## PROPOSED RULES

required to collect, store and report either directly to the Department or through the regional management information center.

B. The criteria for inclusion of a data element in the data element dictionary are:

1. The data is needed in order for the Department to properly disburse funds in support of the elementary, secondary, and vocational educational system in Minnesota; or
2. The data is needed to make reports defined or required by state or federal statute, rules, or regulations; or
3. The data is needed for the planning of educational programs; or
4. The data is needed for the evaluation of educational programs; or
5. The data is needed for adequate management of the Department; or
6. The data is needed for the implementation of research or special projects in education, and which have been approved by the Commissioner.

C. Each data element in the data element dictionary shall contain:

1. The standard names of the data element.
2. The description of the physical characteristics of the data element.
3. The definition of the data element.
4. The purpose for which the data element is collected.

D. Data elements proposed for inclusion in, or deletion from, the data element dictionary shall be reviewed and approved by the Commissioner. At least 90 days notice to the region shall be given prior to the collection of any new data element.

### 5 MCAR § 1.0904 Data acquisition plan.

A. By June 1 of each year, the Department shall transmit to each district and region an annual data acquisition calendar specifying the reports which school districts are required to submit either directly to the Department or through the regional management information center. Amendments may be made to the calendar each quarter thereafter.

B. The data acquisition calendar shall contain, at a minimum, the name and description of the form and the date when it is due to the Department.

C. Only data elements contained in the data element dictionary shall be included in the form and shall be used according to the standards established in the data element dictionary.

D. Proposed forms to be included or deleted from the data acquisition calendar shall be approved only after each data element has been approved by the Commissioner as provided in 5 MCAR § 1.0903.

## Rules as Proposed

### Chapter Thirty-Two: Veterans' Education

#### EDU 640 Renumber as 5 MCAR § 1.0640.

#### ~~EDU 641 Veterans refund policy.~~

~~A. Institutions offering courses approved under section 1775, chapter 36, Title 38, United States Code on an accredited basis will have and maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the eligible person fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rate fees and other charges that the length of the completed portion of the course bears to its total length. This requirement applies only to veterans and other eligible persons enrolling on or after February 1, 1972.~~

~~B. Veterans and other eligible persons must be given a copy of the veterans refund policy upon their enrollment.~~

#### EDU 642 Renumber as 5 MCAR § 1.0642.

## Department of Health Personal Health Services Division

### Proposed Amendments to Rules Relating to Testing School Employees for Tuberculosis, 7 MCAR §§ 1.327-1.328

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), in Room 105, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on November 21, 1979, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to 7 MCAR §§ 1.327-1.328 captioned above.

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

## PROPOSED RULES

Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Beck, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8108, either before the hearing or within five (5) working days after the close of the hearing or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner at the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners, 9 MCAR §§ 12.101-2.112.

A copy of the proposed amendments is attached. Also, copies of the proposed amendments are now available and at least one free copy may be obtained by writing to Allain Hankey, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

Notice: The proposed amendments are subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed amendments to participate in the rule hearing process.

The statutory authority of the Commissioner to promulgate and adopt these amendments is contained in Laws of 1979, ch. 292 § 1 and Minn. Stat. § 144.05, (a), (b), (c) and (f) (1978).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed amendments. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Promulgation of these proposed amendments will result in the expenditure of public monies by local government units.  
September 28, 1979

George R. Pettersen, M.D.  
Commissioner of Health

### Amendments as Proposed

#### **7 MCAR § 1.327 Annual tuberculin Tuberculin testing for employees of school districts, private or parochial schools, day care centers, and nursery schools.**

A. Definitions. For the purpose of this Rule, the following terms have the meanings given them:

1. "Initial employment" means first employment in Minnesota school districts or re-employment in Minnesota school districts following a period of four or more months of non-employment in a Minnesota school district.

2. "Continuous employment" means yearly employment in Minnesota school districts with no more than a four-month interruption in employment.

#### B. Tuberculin skin testing

Unless an employee has previously shown a positive reaction to a standard intradermal tuberculin test as certified by a physician, the All employees of all school districts, and the employees of all private or and parochial schools, day care centers, and nursery schools, unless certified by a physician to have had a positive reaction (10mm or greater of induration) to a standard intradermal tuberculin test, shall be required to have, within 45 days prior to initial employment, a standard intradermal tuberculin test to show freedom from tuberculosis within one year with purified protein derivative (PPD), prior to employment, and annually thereafter. If the tuberculin test is negative (less than 10mm of induration), the

## PROPOSED RULES

employee shall be considered free from tuberculosis- during the period of continuous employment in schools or day care centers in Minnesota, The State Board of Health may require more frequent testing if employees are exposed unless exposure to a known an active tuberculosis case or cases- occurs.

**7 MCAR § 1.328 Annual Examinations of all employees Employees showing positive reactions.** All employees showing positive reaction (10mm or greater of induration) to the standard intradermal tuberculin test shall have such additional examinations as are necessary to enable their physician to certify their freedom from tuberculosis-; These examinations may include any or all of the following considerations: History, physical examination, chest x-ray, additional skin test, laboratory examination including smear and culture- however, Minimum minimum requirement shall be a report by a roentgenologist of a satisfactory negative 44 x 17 inch full-sized chest x-ray taken within 60 days of prior to employment and annually thereafter for duration of employment. All employees showing positive reaction to the standard intradermal tuberculin test shall present annually, a report by a roentgenologist of a satisfactory negative full-sized chest x-ray until five (5) years have elapsed since a documented positive skin test, after which time the employee shall be considered free from tuberculosis during the period of continuous employment in schools or day care centers in Minnesota. All employees showing positive reaction to the intradermal tuberculin test who take a complete course of preventive therapy as directed by their physician, will be considered free from tuberculosis at the completion of the treatment program.

## Pollution Control Agency

### Proposed Amendment of SW 11 Granting an Exemption for Sparsely Populated Areas from Certain Sanitary Landfill Operating Standards

#### Notice of Reconvened Hearing

Notice is hereby given that rule hearings in the above-entitled matter will be reconvened at the following locations:

November 15, 1979, Thursday, Detroit Lakes Area Vocational Technical Institute, Multi-Purpose Room, South One-Half, Highway 34 East of Detroit Lakes, Minnesota, convening at 10:00 a.m.

November 15, 1979, Thursday, Itasca Community College, Wilson Hall, Room 137, Route 3 East of Grand Rapids, Minnesota, convening at 7:00 p.m.

November 19, 1979, Monday, Minnesota Pollution Control Agency, Board Room, 1935 West County Road B2, Roseville, Minnesota, convening at 10:00 a.m.

The hearings will continue until all persons have had an opportunity to be heard. The Agency will present its witnesses and evidence in support of the adoption of the above-entitled matter at the hearing in Roseville, Minnesota.

The above-described hearing is a continuation of the hearing which was held on July 19, 23, 24, 25, 26, 27 and August 14, 1979. The Agency, after listening to comments from the public, is proposing certain revisions to the rule as it was originally proposed and noticed in 3 S.R. 2235 (June 18, 1979). The Agency indicates the revisions to the proposed rule as published in the *State Register* on June 18, 1979, through ~~crossing out~~ deletions and underlining additions. It is the Agency's intent to incorporate the previous notice and proposed rule as it appeared in 3 S.R. 2235 (June 18, 1979). Specifically, the Agency incorporates that section of the previous notice indicating the repeal of existing rule SW 11.

All interested or affected persons will have an opportunity to participate at the rule hearing. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Howard Kaibel, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota, 55104, (612) 296-8107, either before or after the hearings until the record is closed. The record will remain open for five working days after the rule hearings end, or for a longer period not to exceed twenty calendar days if ordered by the Hearing Examiner. In the interest of efficiency, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Notice: The proposed amendment to rule SW 11 (6 MCAR § 4.6011) is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed amendment to participate in the rule hearing process.

The proposed amendment, if adopted, will exempt certain small communities from the Agency's standards for the operation of sanitary landfills (contained in rule SW 6) by the establishment of separate standards for these communities. Currently, the Agency is in the process of revising all of the rules governing the collection, transportation and disposal of solid waste and this amendment is intended to provide an interim exemption for sparsely populated areas pending these total revisions.

The Agency's authority to promulgate the proposed amendment is contained in Minn. Stat. § 116.07 subd. 4 (1978).

**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

Copies of the proposed amendment to rule SW 11 (6 MCAR § 4.6011) are now available and one free copy may be obtained by writing to Mr. Michael Kanner, Division of Solid Waste, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

Notice: Any person may request notification of the date on which the Hearing Examiner's report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearings, a Statement of Need and Reasonableness will be available for review at the Agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Agency at the hearing justifying both the need for and the reasonableness of the proposed amendment to rule SW 11. The Statement of Need and Reasonableness will incorporate certain sections of the Statement of Need and Reasonableness which has already been submitted to the Office of Hearing Examiners and will focus on the revisions to the rule as originally proposed and published. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minn. Stat. ch. 10A (1978) 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, telephone (612) 296-5615.

September 28, 1979

Terry Hoffman, Executive Director  
Pollution Control Agency

### Amendments as Proposed

#### SW 11 Exemptions for Solid Waste Disposal Facilities Located in Sparsely Populated Areas and County Solid Waste Management Plans.

A. The Agency shall issue permits for the operation of land disposal sites located in sparsely populated areas. These per-

mits shall be entitled "Modified Landfill Permits" and shall be issued to proposed land disposal sites provided:

~~1. The proposed land disposal site is not located within a travel distance of 30 miles from an existing permitted sanitary landfill, modified landfill or transfer station;~~

~~1. 2.~~ The proposed land disposal site will serve a resident population of less than 2,500.

2. No prudent and feasible alternative to the proposed modified landfill exists as demonstrated by an economic and environmental analysis of at least the following alternatives:

a. Cannister systems;

b. Transfer stations;

c. Use of an existing permitted solid waste facility.

3. No material adverse economic and environmental impact on existing solid waste disposal systems currently operating under Agency permits will be caused by the operation of the proposed modified landfill.

~~4. 3.~~ The issuance of a permit for a land disposal site under this rule shall proposed modified landfill will not cause pollution, impairment or destruction of the environment as defined in Minn. Stat. ch. 116B (1978).

5. The proposed modified landfill will not accept any hazardous waste as defined in 6 MCAR § 4.9002.

In order to show the existence of the above criteria, the applicant may provide the Agency with information relating to: seasonal fluctuations in population; large areas of publicly-owned lands; circuitous transportation routes; topography, soils or geologic conditions; adverse climatic conditions; economics; waste types; waste quantities; and, energy considerations.

B. Locational and operational requirements for modified sanitary landfills shall comply with rules SW 6(1) and (2) with the following exceptions:

1. Rule SW 6(2) (a) shall not apply, rather, open burning of certain materials shall be allowed in accordance with Minn. Rule APC 8 provided the burning is done in a separate, controlled access area at least 200 feet from any fill area and permits are obtained.

2. Rule SW 6(2) (c) shall not apply, rather, dumping of solid waste shall be confined to as small an area as practicable and with appropriate facilities to confine windblown material within the area. All windblown material resulting from the operation shall be collected and returned to the site by the owner or operator as necessary to prevent nuisance conditions.

3. Rule SW 6(2) (d) (i) as it relates to the time of covering and compaction shall not apply, rather, covering and compaction of waste material shall take place on a weekly basis from May 1 to November 30 of each year and on a monthly basis from December 1 to April 30 of each year or in accordance with a winter cover and compaction plan approved by the Agency.

## PROPOSED RULES

4. Rule SW 6(2) (k) shall not apply, rather, equipment shall be available for adequate operation and fire protection of the site but does not have to be maintained at the site.

5. Rule SW 6(2) (m), (t), (u), and (w) shall not apply to the operation of modified sanitary landfills permitted in accordance with this rule.

6. Rule SW 6(2) (z) shall not apply, rather, the permittee shall properly complete the Agency's operational report forms and submit them quarterly.

C. Permit applications for the operation of modified landfills shall comply with rule SW 6 (3) with the following exceptions:

1. The permit application requirements in rule SW 6(3) (b) (ii) shall not be required, however, a site analysis shall be submitted with the permit application and shall include surface features, underground formations, soil boring data, water table profile, direction of underground water flow, need and availability of cover material, and existing refuse deposits.

2. The permit application requirements in rule SW 6(3) (c) (iv) shall apply in total except those requirements relating to contour intervals of two feet or less and hazardous waste storage areas which shall not be required, rather, contour intervals sufficient to show drainage shall be provided by the applicant.

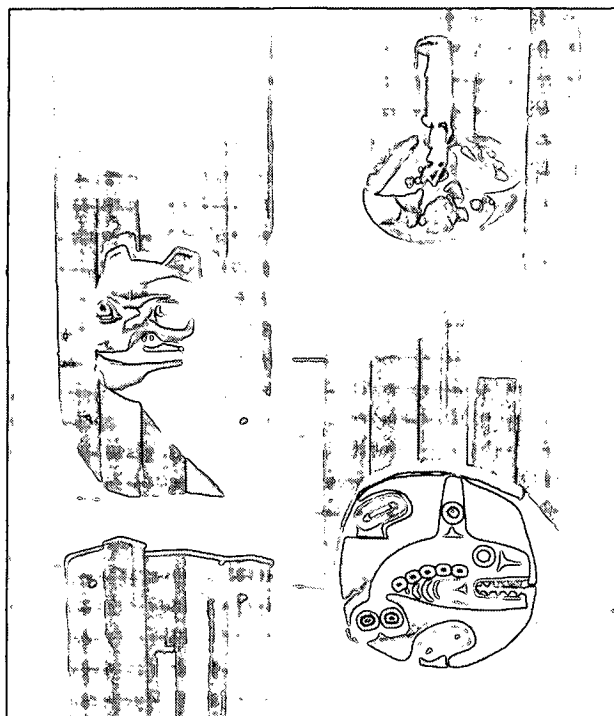
3. The permit application requirements in rule SW 6(3) (c) (iv) relating to an ultimate land-use plan shall not be required.

D. A modified landfill shall not be placed in operation until compliance with the provisions of rule SW 6(4).

E. Each county shall have an Agency approved plan for solid waste management within such county. The plan shall be amended from time to time as changing conditions occur by filing revisions for the approval of the Agency. Prior to filing such amendments and revisions, the county shall consider the economic and environmental consequences of feasible alternatives. Such plans and revisions shall be adopted by the Board of Commissioners of the county prior to filing with the Agency. Each county shall provide for a solid waste management system plan to serve all persons within the county. Two or more counties may elect to submit a joint plan.

F. Severability. If any provision of this rule or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions of this rule or application of any other part of this rule which can be given effect without application of the invalid provision. To this end the provisions of all sections, subsections and subdivisions thereof are declared to be severable.

G. Variance from rules. Any person may apply for a variance from any requirements of this rule. Such variances shall be applied for and acted upon by the Agency in accordance with Minn. Stat. § 116.07 subd. 5 (1978) and other applicable statutes and rules.



MYTHS, MASKS AND MUSIC — The Science Museum of Minnesota features a colorful display of masks and spectacular totemic carvings of the Northwest Coast Indians as part of its new anthropology hall's "Myths, Masks and Music" exhibit area on the second floor of the museum's new building at 505 Wabasha Street in downtown St. Paul. (Courtesy of the Science Museum of Minnesota)

**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."

# SUPREME COURT

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**Decisions Filed Friday,  
October 5, 1979**

**Compiled by John McCarthy, Clerk**

**49399/59**      **Evangeline Parker and Donald L. Parker, Petitioners, v. Hennepin County District Court, etc. Supreme Court.**

A court order which deems admitted allegations in a request for admission does not violate the Fifth Amendment rights of the party upon whom the request was served, nor Article I, Section 7 of the Minnesota Constitution.

Petition for writ of mandamus denied and the order of the district court affirmed. Sheran, C. J.

**49273/188**      **Gary R. Record v. Metropolitan Transit Commission, Appellant and James Bernard LeTourneau, Defendant. Hennepin County.**

Under Minn. St. § 65B.61, subd. 2, workers' compensation disability benefits paid to an injured person are to be subtracted from his

gross weekly wage when determining the amount of no-fault income loss benefits to which he is entitled under § 65B.44.

Workers' compensation retraining benefits paid or payable under § 176.101, subd. 7, are to be subtracted when computing no-fault income loss benefits payable under § 65B.44.

Under § 65B.54, subd. 2, the Metropolitan Transit Commission is required to pay plaintiff interest of 10 percent per annum on overdue no-fault income loss benefits.

Affirmed. Peterson, J. Took no part, Todd, J.

**Order Filed October 1,  
1979**

**49629/185**      **In the Matter of the Application for the Discipline of Seth Robert Phillips, an Attorney at Law of the State of Minnesota. Supreme Court.**

IT IS ORDERED that an attorney subject to a disciplinary order is limited to practicing law in the State of Minnesota subject to the terms and conditions of probation for a duration of five years.

Five year probation period ordered. Sheran, C. J.

# STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, 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 Natural Resources Minerals Division

### Notice of Request for Proposals for Mapping Vegetation on a Portion of the Mesabi Iron Range

The Department of Natural Resources is requesting proposals for mapping vegetation on a 720 square mile segment of the Mesabi Iron Range. Air photos of the area at a scale of 1:15, 840, and a Nikon mirrored stereoscope will be made

available by the department. The final product should consist of mylar overlays justified to USGS 7½ minute quadrangle sheets, and a report detailing methodology of interpretations and a record of field verifications.

The estimated cost of the project is \$18,000 over a period of approximately four (4) months.

To be considered proposals must be received by 4:30 p.m., November 2, 1979.

Please direct all proposals and inquiries to:

William C. Brice  
Manager; Environmental Services  
Minnesota Department of Natural Resources  
Box 345, Centennial Office Building  
St. Paul, MN 55155  
(612) 296-4807

## **Department of Economic Development Development Grants and Loans Division**

### **Notice of Request for Proposals for a Marketing Feasibility Study for the Officer's Row Convention Center and Resort**

Proposals are being accepted for a marketing feasibility study of the proposed Officer's Row Convention Center and Resort.

The purpose of the study is to determine the market potential of a convention center/resort to be located adjacent to Fort Snelling. The study will focus on the demand for such facilities and the financial projections, based on the costs of rehabilitation and restoration of Officer's Row, as well as other possible benefits generated for the area as a whole.

The Department estimates that the cost of such a study to be \$11,000.

Proposals must be submitted no later than 4:00 p.m., November 5, 1979. Further information is available by writing or calling: M. Jean Laubach, Director, Development Grants and Loans Division, Department of Economic Development, 480 Cedar Street, St. Paul, Minnesota 55101; (612) 296-7481.

## **Iron Range Resources and Rehabilitation Board Iron Range Interpretive Program**

### **Notice of Request for Proposals for Planning of Development and Use of Ethnic Arts Center at the Iron Range Interpretive Center**

The Iron Range Interpretive Program is seeking proposals for planning the development and use of the interior

and exterior spaces related to the Ethnic Arts Center of the Iron Range Interpretive Center. The final report will include recommendations for and descriptions of a fully-developed Ethnic Center, its relationship to the Main Center, and a program to use existing cultural resources and the kinds of services it can provide for the Iron Range and the State of Minnesota. Report will also identify possibilities of long and short-term funding, and will include operation cost projections for the first five years of operation.

Estimated Cost: \$48,000.

The deadline date for proposals is November 7, 1979.

For more information, please contact:

Marvin Lamppa, Director  
Iron Range Interpretive Program  
Iron Range Resources & Rehabilitation Board  
P.O. Box 678  
Eveleth, Minnesota 55734  
(218) 749-8260

## **Metropolitan Council**

### **Notice of Request for Proposals for Engineering Services for the Metropolitan Council of the Twin Cities Area**

Notice is hereby given that the Metropolitan Council is requesting proposals to evaluate: 1) the operation of the Metropolitan Wastewater Treatment Plant, a 250 mgd activated sludge plant where new sludge disposal facilities are under construction and 2) to provide technical assistance to the operating personnel of the plant particularly in regard to the new solids handling portion of the plant.

In addition a review of the current construction program and the solids handling program of the entire Metropolitan system will be included. All proposals must be received no later than 4:00 p.m., November 12, 1979, in the Council offices.

Copies of the Request for Proposals may be obtained from the Metropolitan Council, 300 Metro Square Building, St. Paul, Minnesota 55101.

Inquiries regarding this request should be directed to James L. Frost, Contract Manager (612) 291-6519.

# OFFICIAL NOTICES

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

the subject, either orally or in writing.

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

## Department of Corrections

### Notice of Intent to Solicit Outside Opinion Regarding Secure Juvenile Detention Facilities, Juvenile Treatment Facilities, Juveniles Detained in Jails and Physical Plant Requirements for Jail Type Facilities Built Prior to May of 1978

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.042, subd. 6, (1978), that the Minnesota Department of Corrections is considering proposed new rules for the operation and management for secure juvenile detention facilities and construction requirements for jail type facilities built prior to May, 1978. The Department of Corrections is seeking information and comments from all interested persons or groups concerning the project matter of the proposed rules.

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

Dennis L. Falenschek  
Minnesota Department of Corrections  
Suite 430, Metro Square Building  
St. Paul, Minnesota 55101

Oral statements of information and comments will be received during regular business hours over the telephone at (612) 296-7087, and in person at the above address.

All statements of information and comments must be received by January 1, 1980. Any materials submitted shall be reviewed and considered by the Department of Corrections during the preparation of the proposed rules. Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

October 1, 1979

Jack G. Young  
Commissioner

## Department of Commerce Insurance Division

### Notice and Order for Hearing Regarding Purchase of North American Life and Casualty Company, a Minnesota Corporation, by Allianz Versicherungs-Aktiengesellschaft, a Federal Republic of Germany Corporation

Commissioner of Insurance Michael D. Markman ("Commissioner") issues this Order pursuant to the authority vested in the Commissioner by Minn. Stat. § 60D.02, subd. 4 (1978) and rule Ins 153.

It is hereby ordered that Allianz Versicherungs-Aktiengesellschaft ("Allianz"), a Federal Republic of Germany corporation, shall appear at a hearing to be held at 9:00 a.m. on the 24th day of October, 1979, in the large hearing room at 500 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101, before Hearing Examiner George A. Beck, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone 296-8108, duly appointed as Hearing Examiner in this matter by the Chief Hearing Examiner of the State Office of Hearing Examiners.

It is further ordered that within three (3) days of receipt of this Notice and Order for Hearing, Allianz shall serve a copy of this Notice and Order for Hearing and a copy of all statements, amendments, or other material filed with the Commissioner pursuant to Minn. Stat. § 60D.02, subs. 1 and 2 (1978) on North American Life & Casualty Company ("NALAC"). If subsequent statements, amendments, or other material are filed by Allianz with the Commissioner, Allianz shall serve a copy of all such statements, amendments, or other material on NALAC within three (3) days of the date such statement, amendment, or other material is filed with the Commissioner.

It is further ordered that within five (5) business days of the date that NALAC is served with this Notice and Order for Hearing, NALAC shall mail a copy of this Notice and Order for Hearing and all statements, amendments, or other material filed pursuant to Minn. Stat. § 60D.02, subs. 1 and 2 (1978) to all shareholders of NALAC.



## OFFICIAL NOTICES

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It is further ordered that NALAC mail all shareholders of NALAC a copy of all statements, amendments, or other material filed hereafter pursuant to Minn. Stat. § 60D.02, subs. 1 and 2 (1978) within five (5) business days after receipt by NALAC.

It is further ordered that Allianz shall reimburse NALAC for all expenses it reasonably incurs in mailing this Notice and Order for Hearing and in mailing all statements, amendments, or other material filed pursuant to Minn. Stat. § 60D.02, subs. 1 and 2 (1978), as ordered hereinabove. To guarantee payment of these expenses, Allianz is ordered to furnish the Insurance Commissioner with a bond in the amount of \$5,000.00.

The hearing in this matter will be held for the purpose of determining whether the Commissioner should approve or disapprove the purchase by Allianz of NALAC, pursuant to the authority vested in the Commissioner by Minn. Stat. § 60D.02 (1978).

The hearing will be conducted pursuant to the contested case procedures set forth in Minn. Stat. §§ 15.0411 through 15.0422 (1978) as amended, and pursuant to the rules of contested case procedures adopted by the State Office of Hearing Examiners, 9 MCAR §§ 2.201-2.222.

Allianz, NALAC, shareholders of NALAC and any other persons whose interests may be affected may be represented in this proceeding by legal counsel, by a person of their choice, or by themselves if not otherwise prohibited as the unauthorized practice of law. Questions concerning issues, concerning informal disposition of these proceedings, or discovery should be directed to Special Assistant Attorney General Robert J. Clayton, 500 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101, telephone (612) 296-9412.

October 4, 1979

Michael D. Markman  
Commissioner of Insurance

### **Energy Agency Data and Analysis Division**

#### **Notice of Intent to Solicit Outside Information Concerning the Agency in Its Preparation for the Hearing to be Held on NSP's Application to Modify Prairie Island's Spent Fuel Pool**

Notice is hereby given that the policy analysis staff of the Minnesota Energy Agency is seeking information, opinions, and comments from sources outside the Agency in its preparation for the hearing to be held on NSP's application to

modify Prairie Island's spent fuel pool. NSP seeks to increase the storage capacity by replacing current storage racks with racks containing more storage spaces. The Certificate of Need Hearing on NSP's application will be held pursuant to Minnesota Laws 116H.13 and 6 MCAR §§ 2.0601-2.0641. The policy analysis staff recognizes that many members of the public have difficulty in participating in Certificate of Need hearings which can be legalistic, confusing, and time-consuming. Therefore, the policy analysis staff is providing this opportunity for public information, opinions, and comments before the staff prepares its testimony and questions for hearing. Since the staff anticipates receiving diverse views on this application, no responder is assured that his view will be the position taken by staff. However, the staff will endeavor to assure that the concerns and questions of the public are addressed at the Certificate of Need hearing. The staff anticipates that public meetings to gather input will be held in Red Wing and St. Paul prior to the Certificate of Need hearing.

Anyone desiring to give information, opinions, or comments is asked to write to the Agency at the following address:

David W. Buller, Manager  
Minnesota Energy Agency  
980 American Center Building  
150 E. Kellogg Blvd.  
St. Paul, Minnesota 55101  
Telephone : (612) 297-2335

Comments should be received by November 20, 1979.

### **Department of Health Health Systems Division**

#### **Notice of Intent to Solicit Outside Opinion Concerning Rules Governing Certificates of Need for Health Care Facilities**

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (1978), that the Commissioner of Health is soliciting outside opinions concerning the promulgation of rules governing all aspects of the implementation, enforcement, and administration of Laws of 1979, ch. 323, the Minnesota Certificate of Need Act. These rules, when promulgated, will take the place of the existing Certificate of Need rules adopted by the State Planning Agency. In the meantime, the State Planning rules will remain in effect.

All interested parties desiring to submit data, views, opinions, comments or other related information concerning the amendment or revision of the Certificate of Need rules should write to or telephone Kent E. Peterson, Chief, Planning & Resources Control Section, Minnesota Department of Health, Division of Health Systems, 717 Delaware Street

Southeast, Minneapolis, Minnesota 55440, telephone (612) 296-5365. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record.

Any materials submitted will be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules will 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 provisions of the Administrative Procedure Act.

In addition, please be advised that Minn. Stat. § ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1978) as amended by Laws of 1979, ch. 59 § 3, as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

September 28, 1979

George R. Petterson, M.D.  
Commissioner of Health

## Minnesota State Retirement System

### Special Meeting of the Board of Directors

Notice is hereby given that a special meeting of the Board of Directors of the Minnesota State Retirement System will be held on Friday, October 26, 1979, at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota 55101.

## Department of Personnel Social Security Retirement Division

### Notice of Intent to Solicit Outside Opinion Concerning Proposed Revisions of Rule Relating to More Frequent Depositing of Social Security Contributions and Providing for Annual Reporting of Wages by Covered Public Employers

Notice is hereby given that the Minnesota Department of Personnel is considering the revision of the department's rule, 2 MCAR § 2.198, requiring more frequent depositing of Social Security contributions by covered public employers in order to comply with Federal Department of Health, Education and Welfare regulations, 20 CFR, Sections 404.1255 and 404.1255A.

The proposed amendments to the rule are authorized by Minn. Stat. § 355.05 which enables the department to promulgate such rules as it finds necessary or appropriate for the efficient administration of its Social Security functions. One proposed amendment prescribes the time and conditions for monthly depositing of Social Security contributions by covered public employers effective July, 1980. The other proposed amendment provides for annual reporting of wages, in lieu of quarterly reporting, with an effective date of January 1, 1981.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to: Mr. Harry Groschel, Director, Social Security Retirement Division, Room 656, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101.

All statements of information and comment must be received by November 2, 1979. Any written materials received by this date will become part of the record of any rules hearing held on this subject.

Barbara L. Sundquist  
Commissioner of Personnel

**Department of Public  
Service  
Public Service Commission**

**Notice of Public Hearings on  
Home Energy Audits Under the  
National Energy Conservation  
Policy Act (NECPA)**

The Public Service Commission has scheduled a series of hearings concerning the residential conservation services program under NECPA. Public input is solicited on the question of the treatment of the costs of home conservation audits. For more information, contact Stuart Mitchell at 612/296-8662. Hearings are scheduled as follows:

October 29, 1979, 1:30 p.m., Commissioner's Room, M.T.C., 8th Floor, American Center Bldg., Kellogg & Robert Sts., St. Paul, MN

October 29, 1979, 7:30 p.m., Hennepin County Government Center, 300 S. 6th St., Minneapolis, MN (use North entrance on 6th St.)

October 30, 1979, 7:30 p.m., Assembly Room, Chippewa County Courthouse, Montevideo, MN

October 31, 1979, 7:30 p.m., LaCrescent High School Cafeteria, Lancer Boulevard, LaCrescent, MN

November 1, 1979, 7:30 p.m., County Board Room, 2nd Floor, St. Louis County Courthouse, 5th Ave. West and 1st St., Duluth, MN

November 2, 1979, 1 p.m., Depot-In-the-Park, 4th St. NE and Highway 10, Dilworth, MN

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