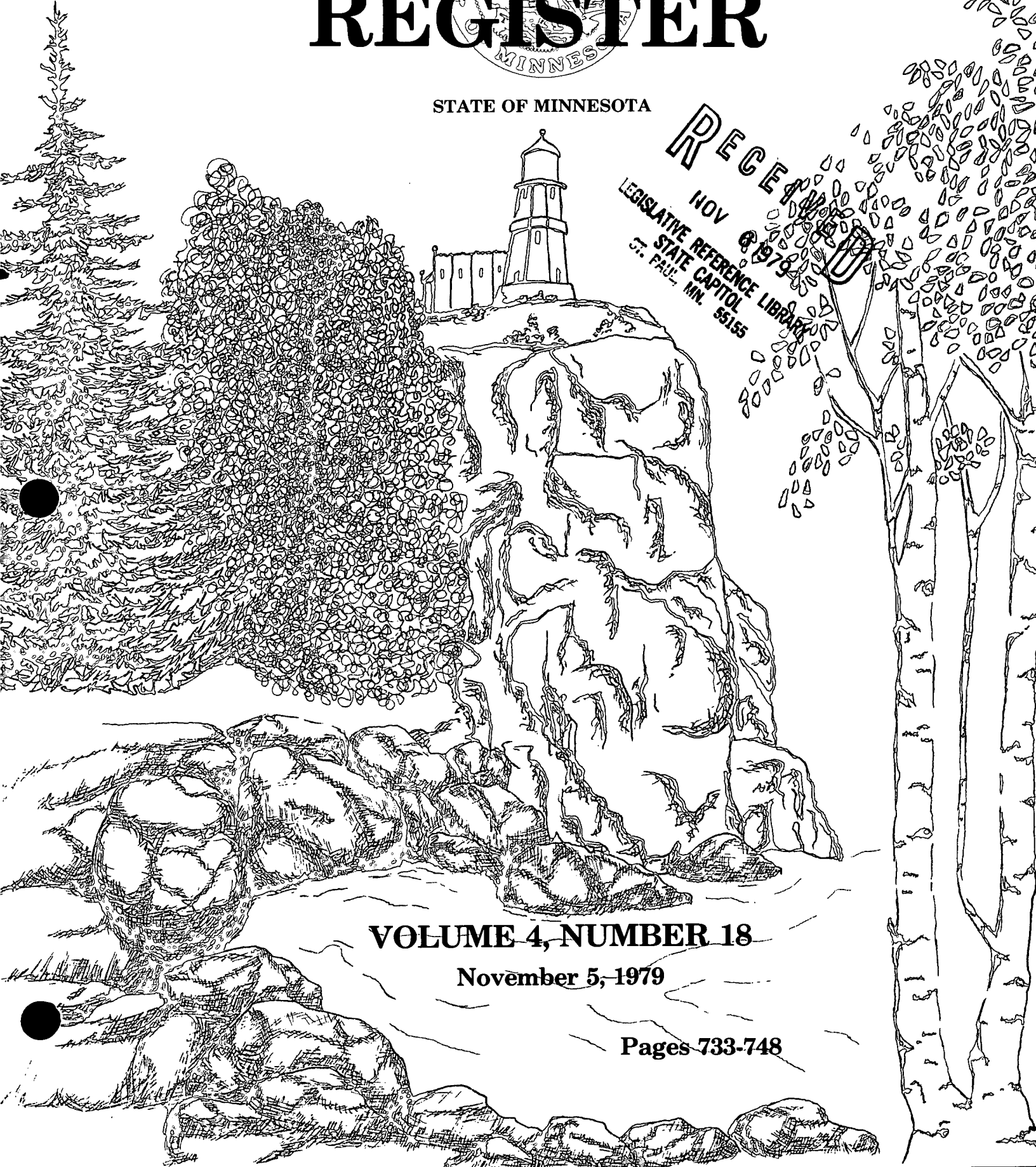


179 Nov. 5

# STATE REGISTER

STATE OF MINNESOTA



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VOLUME 4, NUMBER 18

November 5, 1979

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**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
<b>SCHEDULE FOR VOLUME 4</b>			
19	Monday Oct 29	Monday Nov 5	Monday Nov 12
20	Monday Nov 5	Tuesday Nov 13	Monday Nov 19
21	Tuesday Nov 13	Monday Nov 19	Monday Nov 26
22	Monday Nov 19	Monday Nov 26	Monday Dec 3

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

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

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

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# 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.

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# 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 Accountancy

### Adopted Temporary Rules Governing the Fee for Licensure of Licensed Public Accountants

The temporary rules published at *State Register*, Volume 4, Number 1, p. 6, July 9, 1979 (4 S.R. 6) were approved by the Attorney General and became effective October 19, 1979. The adopted rules do not differ from the proposed rules.

# 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 Public Welfare Income Maintenance Bureau

### Proposed Amendment to Rule 47 Governing Payment for Abortion Services under the Medical Assistance Program

#### 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, in the State Office Building, Room 81, Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota on December 11, 1979, commencing at 9:00 a.m.

All interested or affected persons will have an opportunity to participate concerning the rule captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Natalie L. Gaull, Hearing Examiner, Office of Hearing Examiners, 1745 University Ave., St. Paul, Minnesota, (612) 296-8114, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record.

The proposed amendment to Rule 47 (Medical Assistance) is intended to place the Department in compliance with the Order issued by the Honorable Donald D. Alsop, in the case cited below, to pay for all medically necessary abortions, while at the same time attempting to maximize federal financial participation for the abortions performed as required by Minn. Stat. § 256B.04, subd. 4 (1978). Also, the amendment is drafted to insure, to the degree possible, that only abortions which are medically necessary are performed with medical assistance funds. To these ends, the Department is proposing

that the bills submitted by the providers shall be accompanied by the signed statements of two physicians that the abortion is medically necessary. One physician may not be an "interested physician." As defined by the rule, an "interested physician" is one whose income is directly or indirectly affected by the fee paid for the performance of the abortion; or who is the spouse of or another relative affected by the fee paid for the performance of the abortion.

The authority for the proposed amendment is Chapter 256B.04, subd. 2, and the injunction of the Honorable Donald D. Alsop, U.S. District Court, District of Minnesota, 4th Division, *Hodgson v. Board of County Commissioners*, D. MN. 4-78 Civ. 525, 3-79 Civ. 56, July 13, 1979, and Order of August 9, 1979.

Copies of the proposed rule are now available and at least one free copy may be obtained by writing to Warren H. Nyhus, Department of Public Welfare, 690 North Robert Street, St. Paul, Minnesota 55164. Additional copies will be available at the door on the date of the hearing.

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 and amended rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. Adoption of the amendments to Rule 47 will not result in \$100,000 additional annual expenditures by local public bodies.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the commissioner may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted 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.

**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

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.

October 12, 1979

Arthur E. Noot  
Commissioner of Public Welfare

### Amendment as Proposed

**12 MCAR § 2.047** E.2.t. The cost of abortion services shall be paid only when the conditions under (1), (2), ~~or~~ (3), (4), or (5) are met:

(1) The abortion is necessary to prevent the death of the mother. The cost of the abortion shall be covered only if the following documentation accompanies the provider's invoice to the state agency:

(a) The signed written statement of two physicians that it was their professional judgment that the abortion was necessary to prevent the death of the mother; and

(b) The signed written statement of the recipient that she voluntarily consented to the abortion. In the event that the recipient is physically or legally incapable of providing informed consent, consent may be obtained as is otherwise provided by law.

(2) The abortion is to terminate a pregnancy which is the result of a sexual assault. The cost of the abortion shall be covered only if a report of the assault was made to a valid law enforcement agency within 48 hours of the time the assault occurred and a signed statement from the law enforcement agency accompanies the provider's invoice to the state agency. In the event the recipient was physically unable to make the report within 48 hours of the assault, the report must have been made within 48 hours after the recipient became physically able to make the report. The statement of the law enforcement agency shall include the following information:

(a) The name of the victim; and  
(b) The date of the alleged incident, and  
(c) The date the report was made to the law enforcement agency; and

(d) The name and address of the person who signed the report to the law enforcement agency; and

(e) A statement by the law enforcement agency that the report alleges at least one of the following:

(i) Circumstances existing at the time of the assault caused the recipient to have a reasonable fear of imminent great bodily harm to herself or to another.

(ii) The assailant was armed with a dangerous weapon or an article used or fashioned in a manner which led the recipient to reasonably believe it to be a dangerous weapon, and used or threatened to use the weapon or article to cause the complainant to submit.

(iii) The assailant caused personal injury to the complainant and used force or coercion to accomplish sexual penetration.

(iv) The assailant was aided or abetted by one or more accomplices and either:

(aa) An accomplice used force or coercion to cause the recipient to submit; or

(bb) An accomplice was armed with a dangerous weapon or an article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and used or threatened to use the weapon or article to cause the recipient to submit.

The provider's invoice shall also be accompanied by a statement, signed by the recipient, that her pregnancy resulted from the sexual assault reported, and a statement, signed by the recipient's physician, that in his/her professional opinion the length of the pregnancy at the time of the abortion was not inconsistent with the recipient's statement.

(3) The abortion is to terminate a pregnancy which is the result of incest. The cost of the abortion shall be covered only if a report of incest was made to a valid law enforcement agency prior to the time of the abortion and a signed statement from the law enforcement agency accompanies the provider's invoice to the state agency. The statement shall include the following information:

(a) The name of the victim; and  
(b) The date of the alleged incident; and  
(c) The date the report was made to the law enforcement agency; and

(d) The name and address of the person who signed the report to the law enforcement agency; and

(e) A statement by the law enforcement agency that the name of the relative who allegedly committed incest with the victim appears in its report.

## PROPOSED RULES

The provider's invoice shall also be accompanied by a statement, signed by the recipient, that her pregnancy resulted from the incest reported, and a statement, signed by the recipient's physician, that in his/her professional opinion the length of the pregnancy at the time of the abortion was not inconsistent with the recipient's statement.

(4) The abortion is medically necessary, to terminate a pregnancy for therapeutic reasons due to severe and long-lasting damage to physical health of the mother if the following documentation accompanies the provider's invoice to the state agency:

(a) The signed written statement of two physicians (one of which must specify that he/she is not an "interested physician" as defined in E.2.t.(6)(e) of this rule) certifying that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

(5) The abortion is medically necessary, to terminate a pregnancy for therapeutic reasons due to other diagnosed medical conditions such as, but not limited, to the following:

- (a) Chronic lung disease
- (b) Essential hypertension
- (c) Diabetes
- (d) Kidney disease
- (e) Heart disease
- (f) Sickle cell anemia
- (g) Pulmonary emboli
- (h) Depression
- (i) Hepatitis
- (j) Fetal deformity
- (k) Phlebitis
- (l) Abnormal conditions diagnosed by amniocentesis
- (m) Obesity

Provided that the invoice submitted by the provider is accompanied by the signed written statement of two physicians (one of which must specify that he/she is not an "interested physician" as defined in E.2.t.(6)(e) of this rule) certifying that, on the basis of their professional judgment the abortion is medically necessary.

~~(6)~~ (4) For the purposes of this subsection E.2.t. only, the following definitions apply:

(a) "Abortion services": medical service performed for the purpose of terminating of pregnancy. This shall not be construed to include:

- (i) drugs or devices which prevent implantation of the fertilized ovum; or
- (ii) medical procedures necessary for the termination of an ectopic pregnancy.

(b) "Assailant": person who allegedly committed the sexual assault reported to the law enforcement agency.

(c) "Incest": sexual intercourse with another nearer in kin than first cousin, of the whole or half-blood.

(d) "Valid law enforcement agency": an agency charged under applicable law with enforcement of the general penal statutes of the United States, or of any state or local jurisdiction.

(e) "Interested physician" is one:

(1) Whose income is directly or indirectly affected by the fee paid for the performance of the abortion, or

(2) Who is the spouse of, or another relative who lives with, a physician whose income is directly or indirectly affected by the fee paid for the performance of the abortion.

**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 26, 1979**

**Compiled by John McCarthy, Clerk**

**48829/362 State of Minnesota vs. David James Arndt, Appellant. Mower County.**

**Held**, evidence of defendant's guilt was not, as defendant contends, legally insufficient.

Trial court did not err in admitting testimony concerning a prior statement by prosecution witness when the statement was not offered substantially to prove the truth of what he said but was offered nonsubstantively merely to corroborate his trial testimony.

Trial court did not err in permitting police detective to testify as an expert witness in defendant's drug trial that he observed puncture wounds and scar tissue on defendant's arms consistent with defendant's having injected drugs into his veins.

Affirmed. Yetka, J.

**49101/105 State of Minnesota vs. Michael James Brouillette, Appellant. Stearns County.**

The evidence was sufficient to support the jury verdict.

The defendant was not denied a speedy trial.

The pretrial identification procedure was not so impermissibly suggestive as to create a substantial likelihood of irreparable misidentification.

The trial court was correct in ruling that the defendant's prior conviction was admissible for impeachment purposes, where its probative value outweighed its prejudicial effect.

Upon review of the trial court's instructions in their entirety, it is clear that the jury was not misled or confused as to the proper presumption of innocence.

Affirmed. Scott, J. Dissenting, Wahl, J., Otis, J., Rogosheske, J.

## OFFICIAL NOTICES

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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 Economic Security

### Weatherization Project

### Notice of Intent to Solicit Outside Opinion Concerning Promulgation of Permanent Rules for Minnesota Weatherization Assistance for Low-Income People

Notice is hereby given that the Minnesota Department of Economic Security is considering adoption of a permanent rule relating to the Minnesota Weatherization Assistance Program for Low-Income People. The Department's proposed temporary rule on this subject is set forth at *State Register*, Volume 4, No. 7, pp. 164-170, August 20, 1979 (4 S.R. 164).

The proposed rule is authorized by Laws of 1979, Ex. Sess., ch. 2, § 37 and the program is designed to supplement the United States Department of Energy Weatherization Assistance for Low-Income Persons Program 42 U.S.C. § 6861 to 6872 at prescribed levels in the dwellings of low-income persons in order to aid those persons least able to afford higher utility costs and to conserve needed energy.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

Mr. Alan Chapman  
Department of Economic Security/Weatherization  
Project  
690 American Center Building  
160 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Telephone: (612) 296-5752

All statements of information and comment must be received by December 15, 1979. Any written material received by this date will become part of the record of any rules hearing held on this subject.

November 5, 1979

Alan Chapman



## Energy Agency

### Notice of Intent to Solicit Outside Information Concerning the Development of Emergency Rules Which Could Be Implemented during A Fuel Oil Shortage

Notice is hereby given that the Minnesota Energy Agency is seeking comments and opinions on various measures that may be included in a management program during a fuel oil shortage. The following is a list of measures which have been suggested as possible measures for an energy emergency management strategy. Therefore, the following is not a final list. Furthermore, any mandatory emergency measure which is adopted as part of the management strategy can be implemented only after the Executive Council specifically selects it for implementation, and this selection can be made only after the Governor has declared an energy emergency. The Division of Emergency Services has the responsibility to implement measures selected by the Executive Council.

The Energy Agency invites comments on the possible measures listed in this notice. The Energy Agency welcomes any comments on the effectiveness, appropriateness, proper timing, and proper sequencing of the listed measures. Comments should be written and mailed/delivered to the Energy Agency by November 20, 1979, or presented at one of the following public meetings:

		Open House	Meeting
November 13	New Ulm Public Library	2-4 p.m.	7:30 p.m.
November 14	Rochester Community College	2-4 p.m.	7:30 p.m.
November 15	Weyerhauser Room Room 15 Minnesota Historical Society	3-5 p.m.	7:30 p.m.
November 16	Alexandria County Courthouse Civil Defense meeting room	2-4 p.m.	7:30 p.m.
November 19	Hibbing Community College	2-4 p.m.	7:30 p.m.
November 20	Crookston New City Hall	2-4 p.m.	8:00 p.m.

#### Overview of Fuel Oil Emergency Strategy

The supply of fuel oil from refineries in Minnesota and from pipelines to Minnesota is not sufficient during winter months to meet demand during winter months. Therefore, Minnesota relies on inventories accumulated during summer months to meet demand during winter months.

The Minnesota Energy Agency will monitor depletions in Minnesota inventories. If inventories are being drawn down too fast, voluntary conservation practices will be urged by government officials. In addition, owners of large private fuel

oil inventories will be asked to effect transfer of oil to areas of critical need. If such voluntary measures do not sufficiently slacken depletions in inventories, the Governor may impose legal rules through his energy emergency powers. Since the majority of fuel oil is used for space heating in residential and commercial buildings, the following suggestions concentrate on actions that could be taken by these two sectors. In the following list, Sections I and II describe voluntary measures that may be requested. Sections III, IV, V, and VI contain suggestions on legal rules that governor could impose during an emergency.

#### I. Voluntary Conservation

Suggestion #1. Homeowners and apartment renters/owners will be asked to make the following setbacks in thermostats:

- Day: 62°-66°
- Night: 52°-58°
- Unoccupied hours: 52°-58°
- Water: 105°-115° (or low setting)

Suggestion #2. An energy alert program will be instituted to reduce energy consumption on days of peak use and thereby reduce the use of fuel oil as a back-up fuel.

Suggestion #3. Electric customers will be strongly urged to reduce electric use during times when electric utilities are using oil-fired peaking plants.

- a) by electric utilities
- b) by governor and/or other government officials if needed

Suggestion #4. Owners/operators of commercial and government buildings will be asked to completely prohibit smoking in their buildings and reduce fresh air ventilation to 5 to 10 cubic feet per minute per person.

Suggestion #5. Owners/operators of commercial and government buildings will be asked to investigate whether outside air can be introduced to replace the operation of "chillers". Implementation of this procedure will be requested if such implementation is deemed appropriate.

Suggestion #6. In an extreme shortage, owners/operators of commercial and government buildings will be requested to reduce heating thermostats to 62° day/55° night if such reductions will reduce energy consumption.

Suggestion #7. All building owners/operators will be asked to conduct extensive in-house studies and to consult with other building owners in determining how energy consumption can be reduced.

#### II. Voluntary Inventory Management

Suggestion #8. Owners of large private inventories of fuel will be asked to assist in the alleviation of fuel oil shortages by either:

1. Eliminating refills of inventory until inventory levels are reduced to a one week supply; or
2. Arranging for transfer of fuel oil from inventory to areas of critical need.

## OFFICIAL NOTICES

### III. Mandatory Conservation Measures

Suggestion #9. Commercial buildings will be ordered to follow federal Emergency Building Temperature Restrictions after federal rules end on April 16, 1980.

Suggestion #10. Smoking will be completely prohibited in commercial and government buildings, and such buildings will be ordered to reduce ventilation to 2.5 to 5 cubic feet per minute per person.

Suggestion #11. Unless exempted for health reasons, residential thermostats will be reduced to 65° day/60° night and residential water heaters will be reduced to 105°. (Such suggestions raise serious questions on the government's ability to effect public acceptance and enforcement of these rules.)

### IV. Other Measures

Suggestion #12. If electric utilities need to use oil for electric generation, they will be asked to use oil of a quality not suitable for home heating.

Suggestion #13. Weight limits on trucks shall be temporarily raised during part of the winter months.

Suggestion #14. Business, industrial and governmental institutions now burning light oil which have the capability to burn heavier oil will be required to convert to the heavier oil during the crisis period.

### V. Temporary Modification of Environmental rules

Suggestion #15. Temporarily suspend the limitations on sulfur dioxide emissions for large oil users to reduce demand for low sulfur oil.

Suggestion #16. Reduce oil used for electrical generation by temporarily allowing those electrical generating plants that use other fuels and operate at low capacity factors due to environmental restrictions to operate at higher capacity factors.

### VI. Curtailment/Allocation

Suggestion #17. Commercial, industrial, and government buildings shall be closed on a priority basis after considering their effects on the state's economy, employment, environment, health, safety, welfare, and fuel situation.

Suggestion #18. Distributors of fuel oil will be asked to distribute fuel to end users according to the following priorities:

- 1) Protection of Health
- 2) Protection against Economic Hardships

\*\*\*

Other measures such as bans on lighting and reduction in business hours have been considered but not listed because of the insignificant savings they would effect. The Minnesota Energy Agency emphasizes that this is a list of possible measures on which the Energy Agency solicits comments. Written comments which are submitted will become part of the record.

Questions and comments should be addressed to:

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

## Ethical Practices Board

### Notice of Intent to Solicit Outside Opinion Regarding a Proposed Amendment to Campaign Finance Rules Concerning Association Sample Ballots

Notice is hereby given that the Minnesota Ethical Practices Board is considering a revision to Permanent Campaign Finance Rule 9 MCAR § 1.0008 by adding a subsection defining an approved expenditure when an association, other than a political party unit, endorses a candidate, and the association subsequently prepares and distributes a sample ballot containing a candidate's name.

Written comments concerning this matter may be submitted to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155 until November 26, 1979. Oral comments may be telephoned to the Ethical Practices Board, 612-296-5148 from 8:00 a.m. to 4:30 p.m.

## Department of Labor and Industry Prevailing Wage Division

### Notice of Prevailing Wage Rates for Highway Construction

Minn. Stat. § 177.44 requires the Commissioner of Labor and Industry to certify, at least once a year, the prevailing wage rates for highway construction under contracts based on bids as provided for in Minn. Stat. § 161.32. Title 8, Minnesota Code of Agency Rules, Section 1.8010 (8 MCAR § 1.8010) requires notice of those certifications to be published in the *State Register*.

On November 5, 1979, the Commissioner certified wage rates for highway construction for 44 counties in Minnesota. Those counties are:

Rock	Cass	Rice
Nobles	Crow Wing	Goodhue
Jackson	Wadena	Wabasha
Martin	Todd	Blue Earth
Faribault	Morrison	Waseca
Cottonwood	Benton	Steele
Watsonwan	Mille Lacs	Dodge
Brown	Sherburne	Olmsted
Nicollet	Wright	Winona
Sibley	Isanti	Freeborn
LeSueur	Chisago	Mower
Kanabec	Fillmore	Hennepin
Ramsey	Dakota	Anoka
Carver	Scott	Washington
	Pine	Houston

A copy of the determined wage rates may be obtained by writing to the Department of Labor and Industry, Prevailing Wage Division, 444 Lafayette Road, St. Paul, Minnesota 55101.

A check or money order for \$10.00, payable to the Department of Labor and Industry, must accompany each request to cover the cost of copying and mailing.

Harry D. Peterson  
Commissioner

## **Pollution Control Agency Order for and Notice of Hearing Regarding Application of the Department of Transportation for a Variance from 6 MCAR § 4.2002 for Construction and Operation of a Portion of Interstate Highway 35E in Dakota County**

It is hereby ordered and notice is hereby given that a hearing concerning the above-entitled matter will be held on Wednesday, December 12, 1979, in the Council Chambers, Burnsville City Hall, 1313 East Highway 13, Burnsville, Minnesota 55337, beginning at 9:30 a.m., continuing on the same day at 6:30 p.m. and continuing until all persons can be heard.

The hearing will be held before J. David Prince, William Mitchell College of Law, 975 Summit Avenue, St. Paul, Minnesota 55105, (612) 227-9171, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and the rules of the Office of Hearing Examiners 9 MCAR § 2.201-2.299. Questions concerning informal disposition or discovery may be directed to Special Assistant Attorney General Jocelyn Furtwangler Olson (296-

7343) Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113.

The purpose of the hearing will be to receive and consider testimony and evidence bearing upon the application of the Minnesota Department of Transportation for a variance from State Noise Standards 6 MCAR § 2.2002 for the construction and operation of a portion of Interstate Highway 35E in Dakota County. The portion of the highway proposed to be built will be located in the Cities of Apple Valley and Burnsville and will consist of a four-mile segment from its south terminal at I-35 to the junction of future Trunk Highway 77. A limited variance is requested for seven residential sites.

The Minnesota Pollution Control Agency is authorized to hold such a hearing and grant such a variance by Minn. Stat. § 116.07, subd. 5 (1978) and pursuant to its regulations 6 MCAR § 4.3006 and 6 MCAR § 4.2001.

Any person who desires to become a party to this case must submit a timely petition to intervene to the Hearing Examiner pursuant to 9 MCAR § 2.210, showing how that person's legal rights, duties, and privileges may be affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. A party to a case has the right to present evidence and argument with respect to the issue and to cross-examine witnesses. Interested persons may present oral or written statements at the hearing without becoming parties.

Any person desiring to intervene as a Party must submit to the Hearing Examiner and serve upon all existing parties a Petition to Intervene by Friday, November 30, 1979. At the present time the Agency requests that copies, if any Petition to Intervene, be served upon the following:

Mr. William A. Caldwell Attorney for Minnesota Department of Transportation 515 DOT Building St. Paul, Minnesota 55155	Ms. Jocelyn F. Olson Attorney for MPCA Staff Minnesota Pollution Control Agency 1935 West County Road B2 Roseville, Minnesota 55113 (612) 296-7343
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A Notice of Appearance form, enclosed with this order, is to be completed and returned to the Hearing Examiner by each person admitted as a party at least ten days before the hearing date. In addition, the Agency requests that the Notice of Appearance be served on the persons named above.

The procedural rules 9 MCAR §§ 2.201-2.299 are available for inspection at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, St. Paul, Minnesota 55155. Copies of rules and other documents pertinent to the variance application are available for review by all interested persons during normal business hours at the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113.

October 25, 1979

Terry Hoffman, Executive Director  
Pollution Control Agency

**Office of the Secretary of State  
Elections and Legislative Manual Division**

**Notice of Vacancies in Multi-Member Agencies (Application and Appointment Procedures)**

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, Mn. 55155; (612) 296-2805. **Application deadline is Tuesday, November 20, 1979.**

**Designer Selection Board:** One vacancy open immediately for a term expiring January 1982, for a member to be nominated by the State Arts Board. The Designer Selection Board selects designers for any state building projects with estimated construction costs greater than \$400,000 or estimated planning fees greater than \$35,000. Meetings held as

necessary, in St. Paul; members receive \$35 per diem. Appointing authority is the governor. For specific information, contact George Iwan, Department of Administration; (612) 296-4656.

**Minnesota FAIR-Plan Governing Committee:** Four vacancies open immediately, two for two-year terms, two for one-year terms. At least three of the positions are for public members. The committee administers the FAIR-Plan Act, to make property insurance available in urban areas. Three to four meetings per year; members receive no compensation. Appointing authority is the Commissioner of Insurance, Department of Commerce. For specific information, contact Donald Peterson, Insurance Analyst Unit, Department of Commerce; (612) 296-2656.

**Cable Communications Board:** One vacancy open immediately for a public member for a term expiring January 1983. The board represents the state before the Federal Communications Commission; approves cable communications service territories; and provides consultant services. Monthly meetings in St. Paul; members receive \$35 per diem plus expenses. Appointing authority is the governor, and senate confirmation is required. For specific information, contact W. D. Donaldson, Dept. of Administration; (612) 296-2545.

**STATE CONTRACTS**

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.

**Minnesota Community College System  
North Hennepin Community College**

**Notice of Availability of Contract for Development of Contract Learning Agreement**

North Hennepin Community College requires the services of a qualified consultant to develop contract learning agreements between the college and individual profit-making organizations.

Developing contract learning agreements shall include the following:

1. The consultant will organize, coordinate, and direct a program of courses offered to area business and industry.

2. The courses are to be taught at off-campus locations, probably on private sites.

3. The courses offered are to be both credit and non-credit. The consultant will teach a minimum of seven credit courses from the college curricula related to management and supervision.

4. The consultant may teach approximately one-fifth of the courses he/she arranges, but the schedule for these activities will be negotiated with the community service director of the college to whom the consultant will report.

5. The length of the contract with the consultant will be from January 2, 1980 through June 30, 1980.

6. Firms/individuals desiring consideration should submit a resume of their office and work before November 26, 1979 to:

Don McGuire  
Director of Community Services  
North Hennepin Community College  
7411 85th Avenue North  
Brooklyn Park, Minnesota 55445  
Telephone (612) 425-4541

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
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