

81 Mar. 30

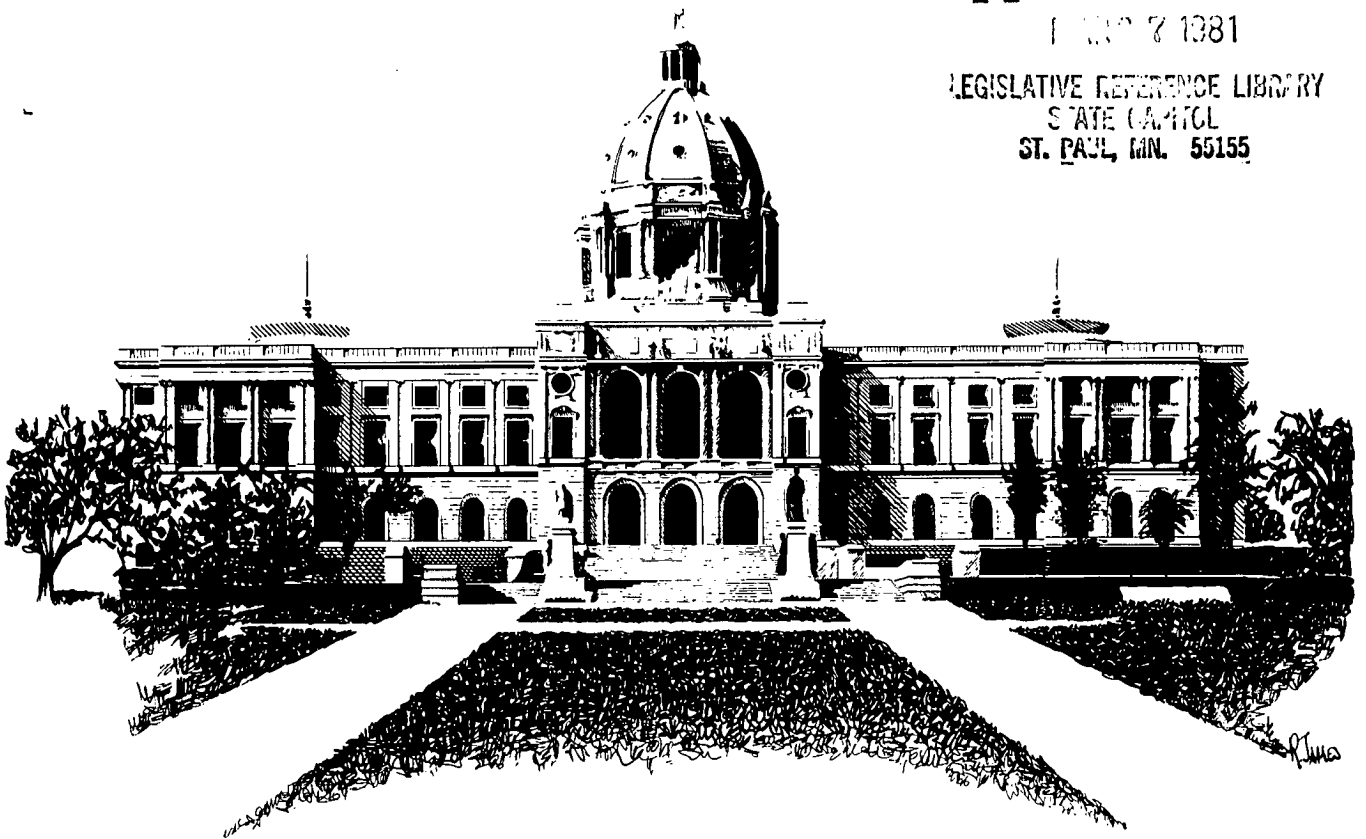
STATE REGISTER

STATE OF MINNESOTA

RECEIVED

MAR 7 1981

LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 5, NUMBER 39

March 30, 1981

Pages 1519-1566



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 5			
40	Monday Mar 23	Monday Mar 30	Monday Apr 6
41	Monday Mar 30	Monday Apr 6	Monday Apr 13
42	Monday Apr 6	Monday Apr 13	Monday Apr 20
43	Monday Apr 13	Monday Apr 20	Monday Apr 27

*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 and notices of intent to adopt rules without a public hearing 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, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$120.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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*.

Albert H. Quie
Governor

Carol Anderson Porter
Editor

David Zunker
Information Officer

James J. Hiniker, Jr.
Commissioner
Department of Administration

Paul Hoffman, Robin PanLener
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Roy Schmidtke
Circulation Manager

Cindy Peterson
Secretary

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 27-39..... 1522

EXECUTIVE ORDERS

Executive Order No. 81-3

Assigning Emergency Responsibilities to State
Agencies; Repealing Executive Order No. 79-3 1524

PROPOSED RULES

Public Welfare Department

Bureau of Mental Health

Grants for Community Support Services for
Chronically Mentally Ill Persons [Notice of Intent
to Adopt Rules without A Public Hearing] 1537

Waste Management Board

Operating Procedures for the Waste Management
Board [Notice of Intent to Adopt Rules without A
Public Hearing] 1542

ADOPTED RULES

Employee Relations Department

Equal Opportunity Division

Statewide Affirmative Action Program 1548

Labor and Industry

Occupational Safety and Health Division

Adoption by Reference of Federal OSHA
Standards 1554

Pollution Control Agency

Solid Waste Division

Adopted Amendments to the Rules Governing the
Management of Hazardous Waste 1554

Public Welfare Department

Income Maintenance Bureau

Pre-admission Screening for Long-term Care
[temporary rule]..... 1556

SUPREME COURT

Decisions Filed Friday, March 20, 1981

51356/Sp. State of Minnesota v. Betty Jean
Southern, Appellant. Ramsey County..... 1557
51405/Sp. Clem Pierce, petitioner, v. State of
Minnesota, Driver and Vehicle Services,
Appellant. Hennepin County..... 1557

51053/370 Dallas Henning and Marilyn Henning,
husband and wife, v. George James Wineman,
Western National Mutual Insurance Company,
Appellant. Redwood County..... 1557

STATE CONTRACTS

Administration Department

Telecommunications Division

Assistance in General Rate Increase Proceedings 1557

Education Department

School Management Services Division

Data Processing Services..... 1558

Public Welfare Department

Fergus Falls State Hospital

Contractual Services Needed 1558

Transportation Department

Surveying and Mapping Division

Contract Available for Photogrammetric Services
for Fiscal Year 1982 (July 1, 1981 to June 30, 1982) 1559

Transportation Department

Technical Services Division

Office of Engineering Standards

Contract Available for Engineering Services for
Steel Guard Post Evaluation..... 1559

OFFICIAL NOTICES

Commerce Department

Banking Division

Bulletin No. 2364: Maximum Lawful Rate of
Interest for Mortgages and Contracts for Deed for
the Month of April, 1981 1560

Pollution Control Agency

Solid Waste Division

Outside Opinion Sought Concerning Revisions to
the Minnesota Hazardous Waste Rules 1560

Secretary of State's Office

Notice of Vacancies in Multi-member State
Agencies 1561

Errata..... 1562

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
• Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
• Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
• Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
• Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
• Notice of adoption of temporary rules.
• Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The State Register publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive Issue 39, cumulative for 1-39
Issues 14-25, inclusive Issues 40-51, inclusive
Issue 26, cumulative for 1-26 Issue 52, cumulative for 1-52
Issue 27-38, inclusive

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 1 Attorney General's Office

1 MCAR §§ 1.201-1.207 (adopted) 1454

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.6601, 1.6701-1.6705 (adopted) 1256
2 MCAR §§ 1.16201-1.16206 (adopted) 1333
2 MCAR § 1.18601 (proposed) 1159
2 MCAR § 1.18601 (adopted) 1488

Part 2 Employee Relations Department

2 MCAR § 2.198 (adopted) 1160
2 MCAR §§ 2.201-2.212, 2.2121, 2.213-2.230, 2.2301,
2.231-2.237, 2.2371, 2.238-2.239, 2.2391, 2.240-2.249,
2.2491, 2.250-2.256, 2.2561, 2.257-2.260, 2.2601,
2.261-2.269, 2.290-2.295 (adopted) 1548

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.1149-1.1154 (proposed) 1480

Part 2 Board of Animal Health

3 MCAR §§ 2.001, 2.011, 2.012 (adopted) 1112
3 MCAR § 2.044, LSB 66 (adopted) 1454

TITLE 4 COMMERCE

Part 1 Commerce Department

SDiv 2006, 2009, 2012-2019, 2022, 2024-2025, 2027-2030,
2036, 2039, 2050-2052, 2057, 2113, 2115, 2117-2119,
2122-2126, 2135; Form 101, Form ADV, Form
"Quarterly Report," Form BD; 4 MCAR §§ 1.2127,
1.2140-1.2146, 1.2150-1.2151 (adopted) 1256
4 MCAR §§ 1.9251-1.9252 (proposed) 1215

4 MCAR §§ 1.9288-1.9289, 1.9291-1.9292 (proposed) 1187
4 MCAR §§ 1.9401-1.9411 (adopted) 1490

Part 14 Small Business Finance Agency

4 MCAR §§ 14.001-14.004, 14.010-14.012 (proposed) 1253

TITLE 5 EDUCATION

Part 1 Education Department

EDU 8, EDU 330 (repealed) 1399
5 MCAR §§ 1.0104-1.0105, 1.01041-1.01044,
1.01046-1.01047 (proposed) 1131
5 MCAR § 1.0127 (proposed) 1291
5 MCAR § 1.0222 (EDU 222) (proposed) 1363
5 MCAR §§ 1.0523-1.0524, 1.0526-1.0529,
1.05291, 1.0530, 1.05301, 1.0531-1.0532,
1.05321, 1.05331, 1.0535, 1.05361 (proposed) 1236
5 MCAR § 1.0533 (proposed) 1293
5 MCAR §§ 1.0667-1.0672 (proposed) 1295
5 MCAR § 1.0765 (repealed) 1399
5 MCAR §§ 1.0800, 1.0805-1.0806 (adopted) 1345
5 MCAR §§ 1.0820-1.0823, 1.0860-1.0863,
1.0880-1.0883 (extended temporary) 1263

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

6 MCAR § 1.2220 (proposed) 1252

Part 2 Energy Agency

6 MCAR § 2.1500 (proposed temporary) 1298, 1305
6 MCAR § 2.2120 (proposed) 1111
6 MCAR §§ 2.2301-2.2303, 2.2305-2.2307
(adopted temporary) 1161
6 MCAR §§ 2.2401-2.2409 (proposed) 1365
6 MCAR §§ 2.3101-2.3108 (adopted temporary) 1091

MCAR AMENDMENTS AND ADDITIONS

Part 4 Pollution Control Agency

6 MCAR § 4.0001 (proposed)	1066
6 MCAR § 4.6086 (proposed)	1068
6 MCAR §§ 4.8014-4.8015, 4.8024-4.8025 (adopted), WPC 2-3, 5-13, 16-21, 23, 26, 29, 31-32 (repealed)	1136
6 MCAR §§ 4.9001-4.9006, 4.9008 (proposed)	1080
6 MCAR §§ 4.9001-4.9006, 4.9008 (adopted)	1554

Part 6 Metropolitan Waste Control Commission

6 MCAR §§ 6.010-6.019 (adopted)	1497
---------------------------------------	------

Part 8 Waste Management Board

6 MCAR §§ 8.001-8.014 (proposed)	1542
--	------

TITLE 7 HEALTH

Part 1 Health Department

7 MCAR § 1.008 (adopted)	1190
7 MCAR §§ 1.210, 1.224, 1.225 (adopted)	1492

Part 3 Dentistry Board

7 MCAR §§ 3.002, 3.004-3.005, 3.011-3.017, 3.021, 3.025, 3.031-3.034, 3.044-3.045, 3.063 (adopted)	1457
---	------

TITLE 8 LABOR

Part 1 Labor & Industry Department

8 MCAR § 1.7001 (MOSHC 1) (proposed)	1217
8 MCAR § 1.7001 (MOSHC 1) (adopted)	1554

Part 4 Economic Security Department

8 MCAR § 4.4010 (adopted temporary)	1258
8 MCAR § 4.0010 (proposed)	1434
8 MCAR § 4.4012 (adopted temporary)	1394

TITLE 9 LAW

Part 2 Administrative Hearings Office

9 MCAR §§ 2.501-2.521 (adopted)	1488
---------------------------------------	------

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR § 1.0082 (proposed)	1363
-----------------------------------	------

Part 2 Corrections Department

11 MCAR §§ 2.501, 2.505, 2.509, 2.512, 2.515, 2.518, 2.521, 2.524, 2.527, 2.530, 2.533, 2.536, 2.539, 2.542 (adopted)	1388
11 MCAR §§ 2.551, 2.554, 2.559, 2.567, 2.571, 2.575, 2.579, 2.583, 2.587, 2.591, 2.595 (proposed)	1436

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

12 MCAR §§ 2.009, 2.017 (adopted)	1218
12 MCAR § 2.014 (proposed)	1537
12 MCAR § 2.016 (formerly 2.020) (adopted)	1191
12 MCAR § 2.029 (DPW 29) (proposed temporary)	1298
12 MCAR § 2.065 (adopted temporary)	1163
12 MCAR § 2.065 (extended temporary)	1556
12 MCAR § 2.185 (adopted)	1263

Part 3 Housing Finance Agency

12 MCAR § 3.002 O. (adopted)	1461
12 MCAR §§ 3.053-3.054 (proposed)	1189

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR §§ 1.0022, 1.0027 (proposed)	1482
13 MCAR § 1.6016 (proposed)	1319

[NOTE: The above list is NOT cumulative for Issues 1-39, but contains inclusive listings for Issues 27-39, only.]

EXECUTIVE ORDERS

Executive Order No. 81-3

Assigning Emergency Responsibilities to State Agencies; Repealing Executive Order No. 79-3

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, natural disasters and industrial accidents may occur in any part of the state; and,

WHEREAS, potential enemies of the United States have the capability to attack this state and the United States;

NOW, THEREFORE, I order:

1. Each department, independent division, bureau, board, commission, and independent institution of the state government, hereinafter referred to as agencies, shall prepare and disseminate to all employees appropriate plans and instructions for:

- a. The protection of personnel, equipment, supplies, and public records in a disaster.
- b. The carrying on of such of its normal services as may be needed in a disaster.
- c. Carrying out the emergency assignments made by this Order.

2. The responsibility for emergency planning shall rest with the head of each agency. Draft copies of completed plans shall be submitted to the Director, Division of Emergency Services, Department of Public Safety, for review and coordination.

3. Each agency assigned specific disaster responsibilities shall assign competent personnel of the agency to develop necessary emergency plans and to staff the state and Regional Emergency Operating Centers and Assistance Centers. These personnel shall be available for planning, training, and operations, and are authorized time off or compensation for services outside regular working hours as the head of the agency may direct.

4. The assignments of agencies for other than war-caused emergencies are made in Appendix 1 of this Order. These assignments anticipate the need to provide assistance to specific areas of the state affected by disaster. The assignments for a war-caused emergency are made in Appendix 2 of this Order. These assignments are based on the need for complete mobilization of all of the state's resources in such a disaster.

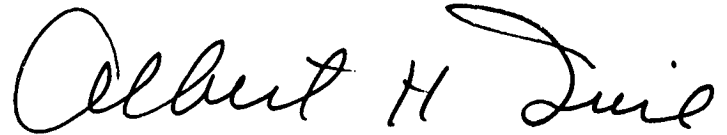
This Order repeals Executive Order No. 79-3.

Pursuant to Minnesota Statutes, § 4.035 (1980), this Order shall be effective 15 days after

EXECUTIVE ORDERS

its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 4th day of March, 1981.



INDEX

BASIC ORDER		FIRST 3 PAGES
APPENDIX 1	<u>NATURAL DISASTER ASSIGNMENTS</u>	
PART I	<u>DEPARTMENT OF PUBLIC SAFETY</u>	
	DIVISION OF EMERGENCY SERVICES	PAGE 1
	DIVISION OF CRIMINAL APPREHENSION	PAGE 2
	DIVISION OF FIRE MARSHAL	PAGE 3
	DIVISION OF STATE PATROL	PAGE 3
	CAPITOL SECURITY DIVISION	PAGE 3
PART II	<u>DEPARTMENT OF ADMINISTRATION</u>	PAGE 4
PART III	<u>DEPARTMENT OF TRANSPORTATION</u>	PAGE 4
	DIVISION OF AERONAUTICS	PAGE 4
	OPERATIONS DIVISION	PAGE 4
	DIVISION OF PUBLIC TRANSPORTATION	PAGE 5
	DIVISION OF OFFICE OF PLANNING	PAGE 5
PART IV	<u>DEPARTMENT OF AGRICULTURE</u>	PAGE 6
PART V	<u>DEPARTMENT OF COMMERCE</u>	PAGE 6
PART VI	<u>DEPARTMENT OF EDUCATION</u>	PAGE 6
PART VII	<u>DEPARTMENT OF HEALTH</u>	PAGE 7
PART VIII	<u>DEPARTMENT OF ECONOMIC SECURITY</u>	PAGE 8
	DIVISION OF JOB SERVICES	PAGE 8
PART IX	<u>DEPARTMENT OF MILITARY AFFAIRS</u>	PAGE 8
PART X	<u>DEPARTMENT OF NATURAL RESOURCES</u>	PAGE 8
PART XI	<u>POLLUTION CONTROL AGENCY</u>	PAGE 9
PART XII	<u>STATE HOUSING FINANCE AGENCY</u>	PAGE 10
PART XIII	<u>DEPARTMENT OF REVENUE</u>	PAGE 10
PART XIV	<u>DEPARTMENT OF PUBLIC WELFARE</u>	PAGE 10
PART XV	<u>STATE ENERGY AGENCY</u>	PAGE 11
PART XVI	<u>DEPARTMENT OF ECONOMIC DEVELOPMENT</u>	PAGE 11
PART XVII	<u>STATE AUDITOR</u>	PAGE 11

INDEX

APPENDIX 2	<u>WAR EMERGENCY ASSIGNMENTS</u>	
PART I	<u>DEPARTMENT OF PUBLIC SAFETY</u>	PAGE 1
	DIVISION OF EMERGENCY SERVICES	PAGE 1
	DIVISION OF CRIMINAL APPREHENSION	PAGE 2
	DIVISION OF FIRE MARSHAL	PAGE 2
	DIVISION OF STATE PATROL	PAGE 3
	CAPITOL COMPLEX SECURITY DIVISION	PAGE 3
	LIQUOR CONTROL DIVISION	PAGE 3

EXECUTIVE ORDERS

PART II	<u>DEPARTMENT OF ADMINISTRATION</u>	PAGE 4
PART III	<u>DEPARTMENT OF TRANSPORTATION</u>	PAGE 4
	DIVISION OF AERONAUTICS	PAGE 4
	OPERATIONS DIVISION	PAGE 5
	DIVISION OF PUBLIC TRANSPORTATION	PAGE 5
	DIVISION OF OFFICE PLANNING	PAGE 5
PART IV	<u>DEPARTMENT OF AGRICULTURE</u>	PAGE 5
PART V	<u>DEPARTMENT OF COMMERCE</u>	PAGE 6
PART VI	<u>DEPARTMENT OF EDUCATION</u>	PAGE 6
PART VII	<u>DEPARTMENT OF HEALTH</u>	PAGE 6
PART VIII	<u>DEPARTMENT OF ECONOMIC SECURITY</u>	PAGE 7
	DIVISION OF JOB SERVICES	PAGE 7
PART IX	<u>DEPARTMENT OF MILITARY AFFAIRS</u>	PAGE 7
PART X	<u>DEPARTMENT OF NATURAL RESOURCES</u>	PAGE 7
PART XI	<u>POLLUTION CONTROL AGENCY</u>	PAGE 8
PART XII	<u>STATE HOUSING FINANCE AGENCY</u>	PAGE 8
PART XIII	<u>DEPARTMENT OF REVENUE</u>	PAGE 8
PART XIV	<u>DEPARTMENT OF PUBLIC WELFARE</u>	PAGE 9
PART XV	<u>STATE ENERGY AGENCY</u>	PAGE 9
PART XVI	<u>DEPARTMENT OF ECONOMIC DEVELOPMENT</u>	PAGE 9
PART XVII	<u>ATTORNEY GENERAL</u>	PAGE 9
PART XVIII	<u>DEPARTMENT OF EMPLOYEE RELATIONS</u>	PAGE 9
PART XIX	<u>DEPARTMENT OF FINANCE</u>	PAGE 10

EXECUTIVE ORDER NO 81-3

APPENDIX 1 — NATURAL DISASTER ASSIGNMENTS

PART I—DEPARTMENT OF PUBLIC SAFETY

DIVISION OF EMERGENCY SERVICES

- Section 1-101 The Director of Emergency Services shall serve as the State Coordinating Officer, and the Assistant Directors shall serve as the Deputy State Coordinating Officers, for all Presidential Declared Emergency and/or Major Disasters.
- Section 1-102 The Director of Emergency Services shall serve as the State Hazardous Mitigation Coordinator, coordinating all hazardous mitigation action requirements from the Federal Emergency Management Agency, through responsible state agencies, with local government.
- Section 1-103 The Division of Emergency Services shall monitor operations of the state portion of the National Warning System and coordinate any actions determined to be necessary to maintain service or extend coverage within the state.
- Section 1-104 Either directly or through its Regional Coordinators, the Division of Emergency Services shall assist local communities that desire to construct flood protection works in completing all prerequisite actions and obtain concurrence of the Department of Natural Resources, Department of Transportation, and Pollution Control Agency in any project before requesting construction assistance from the U. S. Army Corps of Engineers.
- Section 1-105 Comprehensive emergency management training and education needs and requirements shall be coordinated by the Division of Emergency Services. These needs and requirements shall be reflected in the guidance provided by the division concerning the courses desired and their content.
- Section 1-106 The Division of Emergency Services shall establish an emergency procedure for receiving notification of any type of disaster within the state and alerting state agencies to respond to these disasters.
- Section 1-107 When a major natural disaster threatens or has occurred, the Division of Emergency Services shall activate the State Emergency Operating Center. Regional Coordinators shall establish an Emergency Operating Center in or adjacent to the disaster area, as required, to coordinate field operations. The division shall notify state agencies with responsibilities in emergency operations when the State and/or Regional Emergency Operating Centers are or will be activated in order that they may provide staff.

- Section 1-108 The Division of Emergency Services shall coordinate Damage Assessment requests for Federal Disaster Assistance on behalf of political subdivisions and state agencies.
- Section 1-109 Once a determination has been made after a Presidential Declaration of a Major Disaster to establish Disaster Assistance Centers, the Division of Emergency Services in conjunction with the State Coordinating Officer, shall assist in notifying the state agencies that will provide representatives to the center to deal directly with the needs of individual victims and in coordinating their activities thereafter.
- Section 1-110 The Division of Emergency Services, in conjunction with the State Coordinating Officer, shall assist political subdivisions in preparing and processing project applications for federal assistance in repairing and restoring essential public facilities.
- Section 1-111 The Division of Emergency Services shall notify the Governor and Executive Council when staff of other state agencies are involved in disaster operations.
- Section 1-112 The Division of Emergency Services shall administer the Individual and Family Grant Program as provided under Public Law 93-288.
- Section 1-113 The Division of Emergency Services and/or the State Coordinating Officer shall be responsible for the review and coordination of the emergency operating plans of the agencies given assignments by this order. A current copy of these plans in the form of Standard Operating Procedures will be filed at the State Emergency Operating Center.
- Section 1-114 The Division of Emergency Services will coordinate the charitable agencies' activities as they pertain to the Foreign Disaster Relief Program.
- Section 1-115 The Division of Emergency Services will implement procedures for petroleum shortages, petroleum allocation, and insure compliance and enforcement, if necessary, of existing regulations to be enacted pertaining to petroleum shortages and petroleum allocation.
- Section 1-116 The Division of Emergency Services will prepare procedures for the development of requests to the State Executive Council for financial assistance under provisions of Minnesota Statutes, § 9.061, the "Calamity Act."

DIVISION OF CRIMINAL APPREHENSION

- Section 1-121 The Division of Criminal Apprehension shall be responsible for the dissemination of warning of Natural Disasters and Industrial Accidents over the Minnesota Law Enforcement Teletype Network.
- Section 1-122 The Division of Criminal Apprehension will provide support to the State Patrol in assisting local government in law enforcement in a disaster in accordance with the state emergency plan.

DIVISION OF FIRE MARSHAL

- Section 1-131 The Division of Fire Marshal will assist local government in planning for emergency rescue operations and fire protection and obtaining fire fighting and rescue assistance in an emergency in accordance with the state emergency plan.
- Section 1-132 The Division of Fire Marshal will coordinate with the Department of Education, Vocational Training/Field Services Division and the Department of Natural Resources for training to local government in emergency fire and rescue operations.

DIVISION OF STATE PATROL

- Section 1-141 The State Patrol Division is responsible for Law Enforcement and Traffic Control on all Interstate and Trunk Highways in an emergency.
- Section 1-142 The State Patrol Division shall assist local police agencies with available resources in Law Enforcement and Traffic Control when requested by proper local authority to do so.
- Section 1-143 The State Patrol Division shall act as Net Control for the National Warning System (NAWAS) within the state for the dissemination of a major emergency or natural disaster warning.
- Section 1-144 The State Patrol Division shall be responsible for protection of the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this protection.
- Section 1-145 The Division of State Patrol will assist in hazard mitigation efforts as deemed necessary to reduce the perils of potential hazards that endanger the citizens of the State of Minnesota.

EXECUTIVE ORDERS

CAPITOL SECURITY DIVISION

- Section 1-151 The Capitol Security Division of the State Emergency Law Enforcement Services shall be responsible for providing protection to property, and equipment in the Capitol Complex during an emergency and shall prepare plans and procedures to accomplish this.
- Section 1-152 The Capitol Security Division will provide twenty-four hour security for the State Emergency Operating Center during an emergency.
- Section 1-153 The Capitol Security Division will provide Duty Officer response for all hours other than the normal scheduled hours of the Division of Emergency Service.

PART II—DEPARTMENT OF ADMINISTRATION

- Section 1-201 The Department of Administration, Telecommunications Division, shall serve as the Emergency Telecommunications Service and shall coordinate planning of statewide telecommunications systems and services for emergency operations, as necessary, during a declared emergency.
- Section 1-202 The Department of Administration shall provide architects and engineers to prepare damage assessment and damage survey reports of public buildings damaged by disaster in accordance with the state emergency plan.
- Section 1-203 The Department of Administration shall administer the state self insurance program as it relates to Federal Disaster Assistance, as set forth under P/L 93-288.

PART III — DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

- Section 1-301 The Division of Aeronautics will establish restricted flights over disaster areas when requested by the State Division of Emergency Services or other appropriate authority.
- Section 1-302 The Division of Aeronautics will coordinate flights with the Civil Air Patrol in Search and Rescue Missions.
- Section 1-303 The Division of Aeronautics will coordinate civilian air transportation and military air transportation in an emergency disaster situation.
- Section 1-304 The Division of Aeronautics will provide personnel to prepare damage survey reports for airports and airport facilities damaged in any type of major disaster.
- Section 1-305 The Division of Aeronautics will provide air transportation and/or reconnaissance as required by the Division of Emergency Services in a buildup of Declared Disaster Situation.

OPERATIONS DIVISION

- Section 1-311 The agency shall be responsible for the plans, supervision, direction, and control of emergency engineering services in disaster operations.
- Section 1-312 Under certain emergency conditions, the Operations Division shall make available the Maintenance Construction Communication System for use as the Division of Emergency Services Command Net.
- Section 1-313 The Operations Division is responsible for debris and wreckage removal from all Interstate and State Trunk Highways and for other assistance to political subdivisions on other roadways as may be required.
- Section 1-314 The Operations Division shall provide any highway clearances and waivers required to expedite the transportation of temporary housing or other high priority materials.
- Section 1-315 When an emergency diking project is proposed in the state, the Operations Division shall determine the impact of the planned construction on the Interstate and State Trunk Highway systems, and recommend approval or disapproval of the project before work begins.
- Section 1-316 The Operations Division shall provide engineers to prepare damage assessment and damage survey reports of damage to roads, streets, and highway facilities caused by a disaster.
- Section 1-317 The Operations Division, working with the State Health Department, shall provide protective action and shall monitor radioactive incidents on the roadways of the state, whether created by a nuclear power plant or transportation accident.
- Section 1-318 The Operations Division will assist in Hazard Mitigation efforts as deemed necessary to reduce the perils of potential hazards that endanger the citizens of the State of Minnesota.

DIVISION OF PUBLIC TRANSPORTATION

- Section 1-321 The Division of Public Transportation shall prepare plans for receiving and disseminating to appropriate agencies information concerning the shipment of chemical, radiological, and other materials that are potentially hazardous.
- Section 1-322 The Divisions of Public Transportation will be responsible for the coordinating of all rail, bus, and truck transportation in the state during an emergency, including emergency transportation in the disaster area.

DIVISION OF OFFICE OF PLANNING

- Section 1-331 The Division of Office of Planning will coordinate with the Public Services Commission for emergency operations of ports and pipelines in a major emergency or natural disaster.

PART IV — DEPARTMENT OF AGRICULTURE

- Section 1-401 The Department of Agriculture shall provide guidance for the use of agricultural land and crops affected by natural disaster or peacetime accidents or incidents.
- Section 1-402 The Department of Agriculture, with the assistance of the Board of Animal Health, shall provide guidance for the use of farm animals affected by natural disaster or peacetime accidents or incidents involving hazardous chemicals.
- Section 1-403 The Department of Agriculture will gather and assemble damage estimates for the Division of Emergency Services on agriculture for Disaster Declarations.

PART V — DEPARTMENT OF COMMERCE

- Section 1-501 The Insurance Division of the Department of Commerce shall develop a plan to provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services' Director to furnish information relative to insurance claim procedures to persons affected by the disaster.
- Section 1-502 The Consumer Services Section of the Department of Commerce shall provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services' Director to provide consumer information to disaster victims.

PART VI—DEPARTMENT OF EDUCATION

- Section 1-601 The Department of Education shall encourage local school districts to cooperate with local government authorities to insure the preparation of plans for the protection of school children in an emergency. These plans shall include shelter facilities for students in schools, or evacuating them to their homes.
- Section 1-602 When public elementary or secondary school facilities have been damaged or destroyed by a major disaster, the Department of Education shall assist local education districts in preparing and submitting a request for a financial assistance grant from the Federal government as appropriate.
- Section 1-603 The Department of Education, Child Nutrition Section, shall have the legal responsibility for Federal government food commodities. The Department of Public Welfare shall be responsible for coordinating these provisions to victims in the disaster area.
- Section 1-604 The Department of Education will assist local government in training for emergency fire and rescue operations in coordination with the State Fire Marshal, and the Department of Natural Resources.

PART VII—DEPARTMENT OF HEALTH

- Section 1-701 The Department of Health shall establish standards, guidelines, and plans for the establishment of State, Regional, and local systems of emergency care, including training programs for emergency care physicians, nurses, ambulance, police, fire, and rescue personnel.
- Section 1-702 The Department of Health, in cooperation with the office of Electronic Communications of the Operations Division of the Department of Transportation, shall develop a statewide emergency medical services radio communications system.
- Section 1-703 The Department of Health, through its district representatives, shall assist in the marshaling of emergency medical resources, including hospitals, blood banks, ambulance services, and packaged disaster hospitals to respond to disasters.
- Section 1-704 The Department of Health shall provide assistance to the local health officer to insure the safety of food and water for human consumption during and immediately after a disaster.
- Section 1-705 The Department of Health shall contact and secure services of appropriate technical personnel including

EXECUTIVE ORDERS

engineers and Environmental Health Specialists, health physicists and chemists in the field to meet the health needs of the disaster area. Such staff will be responsible for determination of safety of water supplies, the overall determination of the safety of condition prior to reoccupancy.

- Section 1-706 The Department of Health shall provide engineers and Environmental Health Specialists to prepare damage survey reports of health and public water facilities damaged by disaster. The engineers will assist communities in determining the cost estimates to repair or replace damaged health facilities and public water distribution systems so Federal financial assistance can be requested under Public Law 93-288.
- Section 1-707 The Department of Health shall be responsible for providing guidance on protective action levels and medical assistance to local health authorities in areas affected by accidents or incidents involving explosions, radioactive materials, nuclear power plants, or hazardous chemicals.
- Section 1-708 The Department of Health shall coordinate food service activities with Federal and State agencies having responsibilities for food resources in an emergency, specifically food inspection, coordinating with hotel and restaurant inspection in mass feed facilities.
- Section 1-709 The Department of Health will assist in Hazard Mitigation efforts as deemed necessary to reduce the perils of potential hazards that endanger the citizens of the State of Minnesota.

PART VIII—DEPARTMENT OF ECONOMIC SECURITY

DIVISION OF JOB SERVICES

- Section 1-801 The Division of Job Services shall be responsible for coordinating and directing the use of manpower within the State during disaster operations from State and Region Emergency Operating Centers.
- Section 1-802 The Division of Job Services shall prepare plans to provide unemployment assistance to eligible individuals whose unemployment results from a disaster declared under the Disaster Relief Act of 1974 (Public Law 93-288). It will also arrange for payment of benefits under regular unemployment compensation laws to eligible individuals in cases where a natural disaster has not been declared.

PART IX—DEPARTMENT OF MILITARY AFFAIRS

- Section 1-901 The Department of Military Affairs shall prepare plans and procedures to support civil authorities in an emergency. Upon instructions from the Office of the Governor and within its capabilities, the department shall render assistance to civil authorities within the State of Minnesota for domestic disasters, law enforcement, continuance of vital public service, and rescue and communication support in an emergency.

PART X—DEPARTMENT OF NATURAL RESOURCES

- Section 1-1001 The Department of Natural Resources shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program in Minnesota.
- Section 1-1002 The Department of Natural Resources shall serve as Deputy Hazard Mitigation Coordinator for flood disaster. The Department of Natural Resources will be responsible for developing and disseminating the flood hazard mitigation plan, for assuring that the provisions of the plan are implemented and for providing hazard mitigation training for disaster staff and affected local officials.
- Section 1-1003 The Department of Natural Resources shall assist state and local units of government in applying for grants from the Federal government for the purposes of accomplishing hazard mitigation for flood damage reduction.
- Section 1-1004 The Department of Natural Resources is responsible for debris and wreckage removal from state waterways and forested areas.
- Section 1-1005 When an emergency diking project is proposed in the state, the Department of Natural Resources shall determine the impact of the planned construction on the flood plain and recommend approval or disapproval of the project before work begins.
- Section 1-1006 The Department of Natural Resources shall serve as Deputy Hazard Mitigation Coordinator for fire disasters where the fire is grassland and forest.
- Section 1-1007 The Department of Natural Resources shall provide personnel and equipment support to the State Patrol in emergency law enforcement and traffic control operations, when requested by the Director of Emergency Services.
- Section 1-1008 The Department of Natural Resources shall provide personnel and equipment support to the State Fire Marshal in emergency rescue operations, when requested by the Director of Emergency Services.

- Section 1-1009 The Department of Natural Resources is responsible for coordinating fire suppression activities in forested and grassland areas in the state.
- Section 1-1010 The Department of Natural Resources shall assist state and local governments in applying for grants from the federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a major disaster.
- Section 1-1011 The Department of Natural Resources shall prepare procedures for providing communications support in a disaster area with department equipment.
- Section 1-1012 The Department of Natural Resources shall provide engineers to prepare damage survey reports of debris clearance, emergency protective measures, and damage to dikes, levees, irrigation works, drainage facilities, and public buildings in the disaster area.
- Section 1-1013 The Department of Natural Resources will assist local government in training for emergency fire and rescue operations in full coordination with the State Fire Marshal and the Department of Education.

PART XI—POLLUTION CONTROL AGENCY

- Section 1-1101 The Pollution Control Agency shall, upon instructions from the office of the Governor, waive, modify, or suspend the enforcement rules of the agency for areas stricken by the disaster and for the necessary duration, as might be appropriate, for the existing situation. This required action will be to relieve or expedite recovery operations or divert an even greater disaster from occurring.
- Section 1-1102 The Pollution Control Agency shall provide engineers to prepare damage assessment and damage survey reports of damage to public owned waste disposal systems in the disaster area.
- Section 1-1103 When an emergency diking project is proposed in the state, the Pollution Control Agency shall review the environmental effects likely to occur from the planned construction and recommend modifications, approval, or disapproval of the project, before work begins.
- Section 1-1104 The Pollution Control Agency shall maintain a current spills contingency plan including notification system and procedures for coordinating the control and cleanup of spills of polluting substances.

PART XII—STATE HOUSING FINANCE AGENCY

- Section 1-1201 The Minnesota Housing Finance Agency shall be responsible for the coordination of state and local efforts to provide temporary housing for disaster victims, in accordance with provisions of the state emergency plan.
- Section 1-1202 The Minnesota Housing Finance Agency will coordinate home improvement grants and low cost home improvement loans as available to home owners of low and moderate incomes as allowed in the agency's Home Improvement Program.

PART XIII—DEPARTMENT OF REVENUE

- Section 1-1301 The Department of Revenue shall provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services' Director to provide guidance to disaster victims on the effect of their loss on their state taxes.
- Section 1-1302 The Department of Revenue shall certify tax losses sustained as a result of a natural disaster, if the disaster is of the magnitude to require such information.

PART XIV—DEPARTMENT OF PUBLIC WELFARE

- Section 1-1401 The Department of Public Welfare shall be responsible for coordinating the provision of government commodity foods and food stamps to victims in the disaster area. Legal responsibility for Government commodities is placed with the Minnesota Department of Education, Child Nutrition Section.
- Section 1-1402 The Department of Public Welfare shall provide for representation at such assistance centers as deemed necessary by the Director of the State Division of Emergency Services to receive and process applications for the Individual and Family Grant Program from disaster victims.
- Section 1-1403 The Governor's Citizens Council on Aging (Aging Program Division) will provide representation at the Disaster Assistance Center and the disaster area, as deemed necessary by the State Director of Emergency Services to assist and identify the elderly disaster victims.
- Section 1-1404 The Department of Public Welfare will assist in Hazard Mitigation efforts as deemed necessary to reduce the perils of potential hazards that endanger the citizens of the State of Minnesota.

EXECUTIVE ORDERS

Section 1-1405 The Department of Public Welfare shall be responsible for coordinating plans and procedures for providing congregate care facilities with local government in an emergency resulting from a disaster situation.

PART XV—STATE ENERGY AGENCY

Section 1-1501 The State Energy Agency will develop a plan for allocation and conservation of energy resources during Energy Emergencies in coordination with energy suppliers in the State for the Division of Emergency Services. The State Energy Agency shall provide staff and relevant information to the Division of Emergency Services to assist in implementation of the plan in an emergency.

Section 1-1502 The State Energy Agency shall develop a package of Public Information Releases for use in an Energy Emergency as requested by the Division of Emergency Services.

PART XVI—DEPARTMENT OF ECONOMIC DEVELOPMENT

Section 1-1601 The Department of Economic Development shall provide the Division of Emergency Services with an estimate of the immediate economic impact of a disaster and where applicable provide estimated projections of long range effects in a major emergency or natural disaster. This shall include the accessibility and coordination of data from and through other state agencies of non-confidential nature that is relevant to the emergency under consideration.

PART XVII—STATE AUDITOR

Section 1-1701 The State Auditor shall be responsible for conducting the state audit of project applications submitted by political jurisdictions for Federal disaster assistance. The audits will be conducted in accordance with generally accepted auditing standards and the appropriate audit guidelines for Federal Disaster Assistance.

EXECUTIVE ORDER NO. 81-3

APPENDIX 2—WAR EMERGENCY ASSIGNMENTS

PART I — DEPARTMENT OF PUBLIC SAFETY

DIVISION OF EMERGENCY SERVICES

Section 2-101 The Division of Emergency Services shall be responsible for the coordination of all emergency functions of the state and shall review all emergency plans submitted by other agencies for coordination and shall approve all such plans on behalf of the Governor, except those of a military nature.

Section 2-102 The Division of Emergency Services shall prepare a comprehensive plan describing the purpose, policies, objectives, program emphasis, and legal basis for its day-to-day operations and a plan for emergency operations during a national emergency that will insure the maximum possible protection for all people. This plan shall be in consonance with federal guidance and shall serve as a guide to political subdivisions and agencies in the development of emergency plans and programs. The plan will coordinate the actions of all agencies of government to make the most efficient use of federal, state, and local resources.

Section 2-103 The Division of Emergency Services shall provide technical guidance and assistance to other agencies and political subdivisions in the preparation of their plans for pre-emergency, emergency, and recovery operations.

Section 2-104 Federal assistance to the state or political subdivisions of the state for emergency purposes shall be coordinated through the Division of Emergency Services. The procedures for accepting this assistance in the form of services, equipment, supplies, material, or funds, under the limitations set by law will be established by the division.

Section 2-105 It shall be the responsibility of the Division of Emergency Services to keep the Governor and the Legislature, when in session, informed of any actual or impending disaster. This warning, information, or guidance will be transmitted by the most expeditious means to political subdivisions as required in the interest of public safety.

Section 2-106 The emergency training and education needs and requests of other agencies and political subdivisions will be coordinated by the Division of Emergency Services with the agency doing the training. These needs and requests will be reflected in the division's advice and guidance to support training agencies concerning the needed courses, their content, and the teaching methods to be used.

Section 2-107 The Division of Emergency Services shall maintain regional offices in geographical sections of the state, as provided in the Minnesota Civil Defense Act of 1951, and the State Emergency Plan, to reinforce emergency

operations in stricken areas. These area operations will serve as an extension of state government to insure continuity of government and support to all areas of the state.

- Section 2-108 The Division of Emergency Services shall act as the state coordinating agency with federal agencies and others having emergency responsibilities in the area of assistance to individuals, supply, conservation, and management of resources in a national emergency.
- Section 2-109 The Division of Emergency Services shall be responsible for the operation of State level programs in economic stabilization and assistance to the counties in establishing economic stabilization programs.
- Section 2-110 The Division of Emergency Services shall be responsible for designating alternate emergency operating sites, in succession, for emergency control should the State Emergency Operating Center become inoperable.
- Section 2-111 The Division of Emergency Services shall be responsible for the operation of the Radiological Defense (RADEF) Service of State disaster operations. The State Radiological Defense Officer shall be the chief of RADEF Service.

DIVISION OF CRIMINAL APPREHENSION

- Section 2-121 The Criminal Apprehension Division shall be responsible for the dissemination of warning over the Minnesota Law Enforcement Teletype Network.
- Section 2-122 The Criminal Apprehension Division shall be responsible for the coordination of the Enforcement Division of the Law Enforcement Service in the state during disaster operations. These activities will be carried out by several agencies with related day-to-day functions.
- Section 2-123 The Criminal Apprehension Division shall assign personnel as Law Enforcement Division Chiefs of the Law Enforcement Services at the State and Regional Operating Centers.

DIVISION OF FIRE MARSHAL

- Section 2-131 The Division of Fire Marshal shall have the responsibility of coordinating plans and procedures for emergency fire and rescue services during a war caused emergency, and shall assign personnel to State and Region Emergency Operating Centers as Chief of the Fire and Rescue Service.
- Section 2-132 The State Fire Marshal shall be the Chief of the State Fire and Rescue Service and shall coordinate its emergency operations.
- Section 2-133 The Division of Fire Marshal shall provide guidance to the political subdivisions of the State in the development of local emergency plans involving fire and rescue operations.

DIVISION OF STATE PATROL

- Section 2-141 The Chief of the State Patrol shall be the Chief of the Law Enforcement Service and shall coordinate its emergency operations in the state.
- Section 2-142 The State Patrol Division shall have the responsibility for the operation of the National Warning System (NAWAS) within the state.
- Section 2-143 The State Patrol Division shall assign personnel as Law Enforcement Chiefs of the State and Regional Operating Centers.
- Section 2-144 The State Patrol Division shall prepare plans and procedures for the enforcement of Emergency Highway Traffic Regulations from State and Regional Emergency Operating Centers during national emergencies.
- Section 2-145 The State Patrol Division shall provide guidance to local law enforcement agencies in developing their emergency plans.
- Section 2-146 The State Patrol Division shall be responsible for protection of the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this protection.

CAPITOL COMPLEX SECURITY DIVISION

- Section 2-151 The Capitol Security Division of the State Emergency Law Enforcement Service shall be responsible for providing protection to property and equipment in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this.
- Section 2-152 The Capitol Security Division will provide twenty-four hour security for the State Emergency Operating Center during a national emergency.
- Section 2-153 The Capitol Security Division will provide Duty Officer response for all hours other than the normal hours scheduled for emergency operations of the Division of Emergency Services.

EXECUTIVE ORDERS

LIQUOR CONTROL DIVISION

Section 2-161 The Liquor Control Division shall provide support to the Emergency Law Enforcement Service of the State during a national emergency for State and Regional Emergency Operating Centers.

PART II—DEPARTMENT OF ADMINISTRATION

Section 2-201 The Department of Administration is responsible for the administrative services of state government from a protected operating center during national emergency. They shall assign the administrative staff, equipment, materials, and personnel needed for emergency operations.

Section 2-202 The Department of Administration is responsible for the management of Administrative Services to State government in a national emergency. These services include, but are not limited to, stenographic, printing and duplicating, maintenance, and feeding at State and Region Emergency Operating Centers.

Section 2-203 Computer services needed for survival operations and resource management in an emergency will be furnished by the Department of Administration. These services include the use of computer facilities and support staff to provide needed information on a twenty-four hour basis during and immediately following the emergency.

Section 2-204 The Department of Administration, Telecommunications Division, shall serve as the Emergency Telecommunications Service, and shall coordinate the planning of statewide telecommunications systems and services for emergency operations, as necessary, during a national emergency.

PART III—DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

Section 2-301 The Division of Aeronautics shall have a plan for the utilization of aircraft available for emergency operations in accordance with Federal guidance.

Section 2-302 The Division of Aeronautics is responsible for providing and coordinating the use of air transportation resources within the Transportation Service of state government during a national emergency at State and Regional Emergency Operating Centers.

Section 2-303 The Division of Aeronautics will provide liaison with the Civil Air Patrol and Federal Aviation Agency and military in coordinating special emergency missions, such as search and rescue or aerial radiological monitoring.

Section 2-304 The Division of Aeronautics shall maintain current records of airport facilities, aircraft registrations, and licensed pilots that could be used to provide transportation to various parts of the state in the event of a national emergency.

Section 2-305 The Division of Aeronautics will provide Air Transportation and/or reconnaissance as required by the Division of Emergency Services in buildup to/or in the event of a national emergency.

OPERATIONS DIVISION

Section 2-311 The Operations Division shall be responsible for the plans, supervision, direction, and control of engineering services in emergency operations, and shall assign personnel to State and Regional Emergency Operating Centers.

Section 2-312 Under national emergency conditions, the Division of Operations shall make available the Maintenance Construction Communication System for use as the Emergency Services Command Net.

Section 2-313 The Operations Division is responsible for debris and wreckage removal from all Interstate and State Trunk Highways and for assistance to political subdivisions on other roadways.

Section 2-314 The Operations Division shall provide any highway clearances and waivers required to expedite the transportation of high priority materials and personnel during periods of declared emergencies, including mass relocation of the populace.

Section 2-315 The Operations Division shall prepare Emergency Highway Traffic Regulation plans and procedures for the regulation of highway travel during periods of emergency operations.

Section 2-316 The Operations Division shall be responsible for radiological monitoring as needed during a national emergency.

DIVISION OF PUBLIC TRANSPORTATION

Section 2-321 The Division of Public Transportation shall prepare plans and procedures for coordination of all rail, bus, truck and water transportation in the State during a national emergency.

- Section 2-322 The Division of Public Transportation will coordinate and direct the operations of the Transportation Service during a national emergency from State and Regional Emergency Operating Centers.

DIVISION OF OFFICE OF PLANNING

- Section 2-331 The Division of Planning will coordinate with the Public Service Commission for operations of ports and pipelines.

PART IV—DEPARTMENT OF AGRICULTURE

(Where domestic animals are involved, the Animal Health Board is responsible.)

- Section 2-401 The Department of Agriculture is responsible for supervision of the Food Supply Service and the protection of farm animals, land and crops, during a national emergency from State and Regional Emergency Operating Centers.
- Section 2-402 The Department of Agriculture shall develop plans and procedures for a statewide food supply and distribution program in order to maintain adequate emergency food supplies. These plans will make provisions for the control and distribution of primary and secondary foods.
- Section 2-403 The Department of Agriculture is responsible for a statewide program for the decontamination and salvage of animals and crops exposed to radioactive fallout and the use of agriculture land contaminated by radioactive fallout, to include decontamination methods, cultivation guidance and type of crop to be grown.
- Section 2-404 The Department of Agriculture will coordinate food service activities with federal agencies that have responsibilities for food resources in a national emergency.

PART V—DEPARTMENT OF COMMERCE

- Section 2-501 The Banking Division shall develop emergency plans and provide the necessary staff to support the state's responsibility in emergency banking and fiscal matters of the economic stabilization program as established by the Federal Reserve Bank of Minneapolis and the Federal Reserve System.

PART VI—DEPARTMENT OF EDUCATION

- Section 2-601 The Department of Education shall encourage and assist school districts throughout the state in preparing plans for mass care centers in support of emergency operations.
- Section 2-602 The Department of Education shall be responsible for encouraging and assisting school districts throughout the state in preparation of plans for protecting school children in a national emergency.

PART VII—DEPARTMENT OF HEALTH

- Section 2-701 The Department of Health is responsible for statewide management of emergency health and medical services and resources during a national emergency. This responsibility includes the assignments of a Health and Water Service Chief and other qualified personnel to State and Region Emergency Operating Centers.
- Section 2-702 The Department of Health shall develop standards, guidelines, and plans for the establishment of state, regional, and local systems of emergency care for the critically ill and injured.
- Section 2-703 The Department of Health shall prepare plans and procedures for providing emergency health service during a disaster. These plans shall include provisions for blood program, disease control, sewage, and waste disposal, the handling of radioactive materials, potable water supply, and mass burial of casualties.

PART VIII—DEPARTMENT OF ECONOMIC SECURITY

DIVISION OF JOB SERVICES

- Section 2-801 The Division of Job Services will prepare plans and procedures for the use of manpower within the State during national emergencies. The plan shall establish procedures for obtaining individual skills available.
- Section 2-802 The Division of Job Services will coordinate and direct the operations of the Employment Service during a national emergency from State and Region Emergency Operating Centers.

PART IX—DEPARTMENT OF MILITARY AFFAIRS

- Section 2-901 The Department of Military Affairs shall prepare plans and procedures to provide non-federalized National Guard and State Guard forces to support civil authorities in emergency operations. This support will encompass assistance to civil defense in order to assist in restoring essential facilities, preventing loss of life and suffering, and taking of necessary action to assist in restoration of civilian government as required.

EXECUTIVE ORDERS

PART X—DEPARTMENT OF NATURAL RESOURCES

- Section 2-1001 The Department of Natural Resources is responsible for preparing plans and procedures for radiological, chemical, and biological monitoring of lakes, animals, forest, and grasslands in its area of jurisdiction and assigning personnel to State and Regional Emergency Operating Centers to assist in emergency operations.
- Section 2-1002 The Department of Natural Resources, Division of Forestry, shall be responsible for Fire and Rescue Service in their areas of jurisdiction under the direction of the Chief of Fire and Rescue Service.
- Section 2-1003 The Department of Natural Resources shall provide support to the State Law Enforcement Services from their Enforcement Division for such periods of the national emergency as the Governor may direct.
- Section 2-1004 The Department of Natural Resources shall establish plans for the conservation and distribution of surface and underground waters in the state in emergencies.
- Section 2-1005 The Department of Natural Resources shall assign the state climatologist to the Intelligence Services for the reporting of weather conditions and related data as they pertain to the existing situation.

PART XI—POLLUTION CONTROL AGENCY

- Section 2-1101 The Pollution Control Agency shall be responsible for providing support to the Department of Health in national emergency operations in the detection of pollution caused by radiological, chemical and biological agents.
- Section 2-1102 The Pollution Control Agency shall assist the Department of Health in preparing plans and procedures for the detection and control of radiological, chemical, and biological contamination in national emergencies.
- Section 2-1103 The Pollution Control Agency shall, upon instructions from the Office of the Governor, waive, modify, or suspend the enforcement, rules and regulations of the agency in a national emergency as deemed necessary.

PART XII—STATE HOUSING FINANCE AGENCY

- Section 2-1201 The State Housing Finance Agency shall be responsible for coordinating emergency construction and housing activities within the State during a period of national emergency, and shall assign personnel to State and Regional Emergency Operating Centers.
- Section 2-1202 The State Housing Finance Agency shall assign personnel to the Construction and Housing Division of the Engineering Services.

PART XIII—DEPARTMENT OF REVENUE

- Section 2-1301 The Petroleum Division of the Department of Revenue has the responsibility for assisting the Energy Service in the management of all fuel resources within the state in an emergency.
- Section 2-1302 The Petroleum Division of the Department of Revenue shall provide staff for the Energy Service at the State and Regional Emergency Operating Centers.
- Section 2-1303 The Alcohol, Tobacco, and Special Taxes Division, and Field Operations Division shall be assigned to the Chief of Economic Stabilization Service for assignment in compliance activities.

PART XIV—DEPARTMENT OF PUBLIC WELFARE

- Section 2-1401 The Department of Public Welfare shall be responsible for preparing plans and procedures for providing congregate care during an emergency. Included is the responsibility for providing Congregate Care Service Chiefs for State and Regional Emergency Operating Centers.

PART XV—STATE ENERGY AGENCY

- Section 2-1501 The State Energy Agency shall develop a plan for the emergency management of all energy resources in the state during a national emergency. The agency shall provide staff and relevant information to the Division of Emergency Services for the energy service of the state.

PART XVI—DEPARTMENT OF ECONOMIC DEVELOPMENT

- Section 2-1601 The Department of Economic Development will be in charge of the essential services and be responsible for emergency industrial production, and shall prepare plans and procedures for controlling this production from State and Regional Emergency Operating Centers in coordination with the federal government.
- Section 2-1602 The Department of Economic Development is responsible for providing staffing support to the Economic Stabilization Service in disaster operations.

PART XVII—ATTORNEY GENERAL

- Section 2-1701 The Attorney General shall be responsible for providing legal advice and opinions for state emergency operations as Chief of Legal Services at the Emergency Operating Center.
- Section 2-1702 The Attorney General shall perform legal advisory functions to include preparing and reviewing proclamations and special regulations as issued by the Governor in a national emergency.

PART XVIII—DEPARTMENT OF EMPLOYEE RELATIONS

- Section 2-1801 The Department of Employee Relations will support the State Employment Services during a national emergency at State and Regional Emergency Operating Centers and will assist in the development of emergency employment utilization plans.

PART XIX—DEPARTMENT OF FINANCE

- Section 2-1901 The Department of Finance shall provide staffing for the State and Regional Emergency Operating Centers.
- Section 2-1902 The Department of Finance shall appoint the Chief of the Fiscal Services.
- Section 2-1903 The Department of Finance shall develop proper plans for Fiscal Services for the State of Minnesota in a national emergency.

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

**Department of Public Welfare
Bureau of Mental Health****Proposed Rule Governing Grants for Community Support Services for Chronically
Mentally Ill Persons (12 MCAR § 2.014)****Notice of Intent to Adopt A Rule without A Public Hearing**

Notice is hereby given that the State Department of Public Welfare proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subdivision 4h (1980).

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, § 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Terry Sarazin, Director
Mental Illness Program Division
Department of Public Welfare
4th Floor Centennial Office Building
612/296-2710

Authority for the adoption of this rule is contained in Minnesota Statutes, § 256E.12. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Terry Sarazin upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Terry Sarazin.

The rule proposed for adoption relates to the following matters:

The rule establishes the conditions under which grants can be made to counties for services for chronically mentally ill people. It covers allowable costs, the allocation process, content of applications, use of funds, and local matching requirements.

The authorizing statute is included in the Community Social Services Act. The Legislature appropriated the funds, and ordered an evaluation of the funded activities to determine the extent to which chronically mentally ill people can be rehabilitated. Early indications, based on the first four months of project operations, are favorable. Further evaluation is planned to determine outcome over a longer period of time.

The department published temporary rule 14 in the *State Register* on November 19, 1979 following the incorporation of comments it published the adopted temporary rule 14 on January 21, 1980. The proposed rule is very similar to the adopted temporary rule, with the changes being mainly technical ones.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Terry Sarazin.

The estimated cost to the state for implementing this rule in the two years following its adoption is \$5 million. This is the amount recommended in the Governor's Budget for the 1982-83 Biennium.

Since the statute requires a local match of 10 percent, the estimated cost to the counties for the biennium is \$500,000. This is a permissive statute so the obligations found in the rule apply only if a county elects to apply for a grant under this rule.

Arthur E. Noot
Commissioner of Public Welfare

Rule as Proposed (all new material)

A. Statutory citation. The authority for this rule is Chapter 324, § 12, Laws of Minnesota, 1979, codified as Minn. Stat. § 256E.12.

B. Purpose. The purposes of this rule are to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. In order to carry out these purposes, this rule will set minimum standards for the contents of grant applications, allocation and award of grants, and maintenance of financial statements to carry out the intent of the authorizing legislation.

C. Introduction.

1. The provisions of this rule shall be severable. If any clause, sentence, or provision is declared illegal or of no effect, the validity of the remainder of this rule and its applicability shall not be affected.

2. This rule shall not be construed as requiring expenditures of monies not available.
3. Any provision of this rule inconsistent with any state or federal law is superseded by that law.

D. Applicability.

1. This rule applies to those county boards of commissioners which apply, either individually or jointly with neighboring counties, to the Commissioner of Public Welfare for grants to carry out the purposes of this rule.

2. The county board of commissioners may request funds under this rule for programs and services for chronically mentally ill people to be carried out by the county or by any public or private organization or any combination of these organizations with which the county contracts.

E. Definitions.

1. Administrative overhead: All project costs other than those included in "Allowable direct service costs."

2. Allowable direct service costs:

a. Salaries and related expenses (e.g., payroll, taxes, health insurance, telephone, personal liability insurance, postage, recruitment) of personnel providing services directly to clients in the project (this includes "support" personnel to the extent that such personnel perform client-related duties such as client recordkeeping, individual program planning and on-site program supervision).

b. Local (in-state) travel costs of above personnel.

c. Consumable supplies used:

(1) by the above personnel in performing client-related duties.

(2) by clients in carrying out program activities.

d. Minor expenditures which are justified by showing that the expenditures meet the criteria in 12 MCAR § 2.014 H.3.

e. Crisis home room and board costs which are justified by showing that it would not be cost-effective to charge the individual or third parties for these costs.

3. Case management: A direct service provided by mental health workers to chronically mentally ill people. Essential components of case management are 1) monitoring and supervising individual clients, 2) assuring coordination and availability of treatment/rehabilitation/support services and 3) providing access for the client to problem-solving resources. These activities which are essentially coordinating and problem-solving functions are provided and periodically reviewed over the period of time that the case is open. It shall include, but not be limited to: (a) assessment of the client's strengths, problems, and needs; (b) development of and carrying out the individual program plan; (c) coordinating the various service components in the continuum of care to carry out the individual program plan; (d) providing linkage between the service system and the client; (e) assuring that clients are involved with appropriate resources and services in accordance with the individual program plan; (f) monitoring and periodically revising of the individual program plan; (g) influencing service providers to respond to client needs; and (h) stimulating the development of needed services and resources; and (i) protecting the rights and dignity of clients being served.

4. Chronic mental illness: A condition characterized by severe and persistent symptoms of mental or emotional disability, and diminished levels of functioning relative to primary aspects of daily living, such as personal relations, living arrangements, work skills, recreation and mobility.

5. Commissioner: Commissioner of Public Welfare or a designated representative.

6. Community support services: A network of services coordinated to meet the needs of chronically mentally ill people and to develop their potential ability to function more independently without being unnecessarily isolated or excluded from the general community. These services are based on identified needs of a specified population at risk of recurring episodes of mental illness and are designed to assist such people to improve their functioning in primary aspects of daily living, as identified in the definition of chronic mental illness.

7. County board of commissioners: That body of duly elected officials responsible for the governance of its county under the authority of Minn. Stat. §§ 375.02-375.55.

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

8. Crisis home: A facility providing room, board, and support and referral services for up to four persons, for up to five days, while individuals are assisted to resolve an acute crisis or emergency situation which requires temporary housing.

9. Crisis management: Short-term services provided, to the extent possible, in the client's usual surroundings including the client's own home or substitute home, aimed at the reduction of acute emotional disabilities and their physical and social manifestations and the restoration of emotional equilibrium. Such services must be available twenty-four hours a day, seven days a week.

10. Day treatment program: A program of administratively organized and programmatically structured services operating less than 24 hours a day for chronically mentally ill people which devotes a significant share of the scheduled program day to the teaching of independent living skills, psychosocial rehabilitation, psychotherapy, and development of socialization skills so that the participants may function more independently and more effectively in their own communities.

11. Department: State Department of Public Welfare.

12. Designated agency: That agency selected by the county board of commissioners pursuant to Minn. Stat. § 253A.02, subd. 23 (1979), as amended.

13. Drop-in center: A facility offering semistructured services and activities for chronically mentally ill people, including support and social skill development.

14. Independent living skills: Those skills necessary for an individual to function successfully independently, such as money management; cooking; grooming; obtaining and holding employment; and personal health maintenance, including medication management.

15. Individual Program Plan (IPP): A written plan of treatment and rehabilitation containing measurable goals and objectives designed to meet the particular needs of an individual client which has been jointly developed and regularly reviewed by appropriate providers, the assigned case manager, and the client.

16. Program: A formal continuum of care that is a coordinated combination of services, with clear goals and measurable objectives. Programs are directed toward meeting the needs of specific disability groups, and individuals within those groups, while allowing for the ready movement of individuals between appropriate services.

17. Project: Specific formally organized services for which application for funds are being made under this rule.

18. Residential facility: Any facility or part of a facility not currently licensed as a hospital, offering administratively organized and programmatically structured 24 hours a day room, board and relevant services to foster the independence of chronically mentally ill people.

19. Service: A specific identifiable, goal-oriented activity which, for purposes of this rule, is provided to reduce major disabilities related to chronic mental illness.

F. Allocation.

1. Priority of allocation.

a. Funds will be awarded for continuation of projects previously funded under DPW temporary rule 14 or for new or expanded services which provide direct services to chronically mentally ill people and emphasize crisis management, independent living skill training and case management components. Priority of allocation will be made to applicants previously funded under the authority of DPW temporary rule 14 if such applicants otherwise meet the terms of this permanent rule. Day treatment, crisis homes, and drop-in centers are examples of services which may be funded under this rule.

b. Programs and services provided at the site of a long-term residential facility may be funded but will be given a lower priority than those provided away from the residential facility, unless the applicant county documents that the residents of the facility are unable to leave the facility to make use of the services.

c. Applications proposing services not mentioned in this section will be considered if there is a documented local need for them.

2. Regional priorities. To the extent that the applications submitted are equally meritorious, the Department will allocate funds in such a way that amounts are awarded, pro rata, according to population size, approximately one-half to applying counties from Region XI and approximately one-half to applying counties from the balance of the state. If there are not sufficient acceptable applications from one group of counties as defined above, the remaining funds will be awarded to qualifying applications from the other groups of counties.

3. The commissioner may reallocate funds within each fiscal year, which have been awarded to counties but not used by them.

G. Content of applications.

1. Applications must contain at least the following information, following the Problem, Objectives, Method, Evaluation (POME) format.

a. **Problem:** A clearly defined statement of the problem to be addressed by the proposed service; the population at risk; and the evidence of the need for this service.

b. **Objectives:** A statement of the measurable time-limited outcomes of the proposed service.

c. **Methods:** the modalities of treatment and rehabilitation to be used; a description of how individual program plans will be used in carrying out the service; a description of how case management will be used in carrying out the service; a description of how the proposed service will fit into the local continuum of care and service; and a description of the proposed site(s) and providers to be used. If the providers and sites have not been finally determined at the time of application, the department will consider the application if it contains indications of potential providers and sites.

d. **Evaluation:** A description of how the county boards of commissioners will determine the effectiveness of projects funded under this rule.

2. A budget shall be included with the application, completed on designated budget forms. Dollar amounts for the various items included in the budget document shall reflect and be based upon the prevailing cost of like components in the local community. It shall indicate the total cost of the project, showing the state and local shares. The specification of the local share shall indicate the amount of actual local funds committed to the project source.

3. If the service is proposed by and for more than one county, the chairpersons of all participating county boards of commissioners shall sign the application.

4. Six complete copies of the application and budget shall be submitted to the Department.

H. Use of the project funds.

1. The purpose of this experimental, time-limited appropriation is to provide new or expanded programs and services to chronically mentally ill adults in such a way as to maximize the use of the funds in a relatively short period of time to test their effectiveness. The use of the funds available under this appropriation for capital expenditures or non-service related costs would not serve this purpose and therefore will not be allowed.

2. Treatment of other income received by the project:

a. For projects funded under the authority of this rule, any income other than county funds received as a reimbursement for the project costs (e.g., Title XIX fees) will be applied first to the local share of the project's budget. The income in excess of the local share shall be applied to the state share.

3. If an applicant can show that an expenditure other than for a direct service is 1) relatively minor, 2) essential for the project to operate, and 3) cannot be paid for from local funds, such an expenditure shall be paid for from funds available under this rule, with the approval of the Commissioner.

4. State funds available under this rule shall not be used to pay room and board costs, except for such costs in crisis homes, and then only if it can be demonstrated not to be cost-effective to charge the individual or third parties for these costs.

5. Funds available under this rule shall not be used to replace existing fiscal support of programs and services. In the event that existing fiscal support of a mental illness program or service is eliminated or reduced by circumstances beyond the control of the county board of commissioners, application may be made for funds available under this rule to replace the existing funds which have been eliminated or reduced, provided that specific documentation of the elimination or reduction in fiscal support accompanies the application.

6. State funds available under this rule shall not be used for construction, renovation or rent of buildings, nor shall they be used for the purchase or lease of equipment or vehicles. Local matching funds, once identified and committed, may be used for these purposes and will be counted as administrative overhead.

I. Administrative overhead.

1. Up to a maximum of ten percent of the total project budget may be used for administrative overhead in a currently operating project. In situations where services are being developed, the maximum allowed for administrative overhead shall be twenty-five percent of the total project budget for the duration of the first project grant.

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

J. Local match.

The local match or ten percent of the total budget of the project shall consist of funds committed to the project. The income, if any, may be counted as part of the local matching share.

K. Maintenance of financial statements. Grant recipients shall maintain their financial records, using generally accepted accounting procedures, in such a way that expenditures can be easily compared with the approved budgets; that the state and local contributions can be readily and separately identified; and that documentation is available for all expenditures.

L. Budget revision procedures.

1. After a grant award is made, as long as state funds are used for allowable expenses as defined by this Rule, budget revisions (including transfer between approved projects) and/or line item transfers totaling up to 10 percent of the project budget may be made with county board approval. Revisions in excess of 10 percent require both county board and DPW approval.

The county board may delegate its approval of budget revisions, if such delegation is specified in county board minutes.

2. All requests for budget revision approval shall include the reason for the revision and a statement as to how the revision will affect program objectives.

Approval for budget revisions and line item transfers shall not be granted unless such revisions or transfers are consistent with the provisions of this Rule.

M. Reporting requirements. The commissioner is required by Minn. Stat. § 256E.12 (1979 Supp.) to collect data and periodic reports as is deemed necessary to demonstrate the effectiveness of the services. Therefore, the commissioner shall require that those county boards of commissioners receiving funds under this rule report to the department the number and kinds of persons served, the cost of providing the services, results achieved, and other relevant data deemed necessary. This information, along with an evaluation from the county board of commissioners, will be used as the basis for an evaluation by the commissioner of the specific projects in his report to the Legislature.

N. Duration of awards.

1. Awards to applicant counties that are not assigned to a specific project within 60 calendar days of the awarding of the funds shall revert to the Department for reallocation.

O. Other applicable laws and rules.

1. To the extent that a project funded under this rule is also subject to other Minnesota laws and rules, it must also meet the standards of those laws and rules.

2. If a determination is made that all applicable laws, rules and regulations cannot be met immediately, but that the applicant county has a definite, reasonable timetable to meet all necessary requirements within four months, the application shall be considered for funding.

Waste Management Board

Proposed Rules Governing the Operating Procedures for the Waste Management Board

Notice of Intent to Adopt Rules without A Public Hearing

Notice is hereby given that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Attn: Sharon Decker
123 Thorson Building
7323-58th Avenue North
Crystal, MN 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minnesota Statutes, § 115A.06, subd. 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Waste Management Board, Attn: Sharon Decker, 123 Thorson Building, 7323-58th Avenue North, Crystal, MN 55428, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Waste Management Board, Attn: Sharon Decker, 123 Thorson Building, 7323-58th Avenue North, Crystal, MN 55428.

The rules proposed for adoption relate to the following matters: (1) duty of candor; (2) scheduling and noticing of meetings and preparation of agenda and filing of written material for meetings; (3) conduct of meetings including quorum requirements, voting requirements and general rules of parliamentary procedure; (4) procedures utilized when temporary members are appointed to the board; (5) the use of committees and advisory councils and task forces; (6) procedures for executing documents; (7) procedures for making final decisions and issuing final orders; (8) procedures for reconsidering and rehearing matters; (9) conflict of interest; (10) public participation in matters before the board; (11) *ex parte* communication; and (12) reimbursement for out-of-state travel expenses.

Copies of this notice and the proposed rules are available and may be obtained by contacting the Waste Management Board, Attn: Sharon Decker, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

March 13, 1981

Robert G. Dunn, Chairman
Waste Management Board

Rules as Proposed (all new material)

Table of Contents
Proposed Rules
Waste Management Board
Operating Procedures

	Page
Rule 6 MCAR	
§ 8.001 Duty of Candor	1
§ 8.002 Definitions	2
§ 8.003 Board meetings and officers	3
§ 8.004 Execution of documents	8
§ 8.005 Staff	8
§ 8.006 Temporary Board members	9
§ 8.007 Committees	9
§ 8.008 Advisory councils and advisory task forces	10
§ 8.009 Final decisions and orders	11
§ 8.010 Reconsideration and rehearing	12
§ 8.011 Conflict of interest	13
§ 8.012 Public participation in Board matters	14

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

§ 8.013 *Ex parte* communication 16
§ 8.014 Reimbursement for out-of-state travel 16

6 MCAR § 8.001 Duty of candor.

A. Duty. In all formal or informal negotiations, communications, proceedings, and other dealings between any person and any member, employee or agent of the board, it shall be the duty of each person and each member, employee or agent of the board to act in good faith and with complete truthfulness, accuracy, disclosure, and candor.

B. Violation of duty of candor. Any person who knowingly makes any material misstatement, act, or omission which results in a breach of the duty of candor may be subject to denial, suspension or revocation of any permit, license or approval which the person seeks or holds.

C. Imposition of sanctions. In any case of an alleged violation of the duty of candor in which the board seeks to deny, suspend or revoke a permit, license or approval issued or granted by the board, a contested case hearing shall be held to determine whether a violation of the duty of candor has occurred.

6 MCAR § 8.002 Definitions.

A. Act. "Act means the Waste Management Act, Minn. Stat. ch. 115A.

B. Advisory council. "Advisory council" means any of the advisory councils established by the act.

C. Advisory task force. "Advisory task force" means any task force of non-board members established by the chairperson to advise the board.

D. Board. "Board" means the Waste Management Board.

E. Days. "Days" means calendar days.

F. Party. "Party" means any person whose legal rights, duties, or privileges may be determined in a hearing and any person who has properly intervened in a hearing. The term "party" shall include the board when the board initiates a hearing pursuant to Section 8.001.

G. Person. "Person" means any natural person, any state, municipality or other governmental or political subdivision or other public agency or instrumentality, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, and any other entity, but does not include the Waste Management Board.

6 MCAR § 8.003 Board meetings and officers.

A. Board meetings.

1. Types.

a. Regular meeting. Unless otherwise specified by the board, a regular meeting shall be held on the second and fourth Thursdays of each month. The time and place of each regular meeting shall be designated by the chairperson. The chairperson may direct that any regular meeting be postponed or advanced.

b. Special meetings. The chairperson, or in chairperson's absence, the vice chairperson, may call a special meeting of the board when the chairperson, or in the chairperson's absence, the vice chairperson, determines that a special meeting is necessary or desirable. The chairperson, or in the chairperson's absence, the vice chairperson, shall call a special meeting upon the request of a majority of the board members.

2. Board notice of meetings.

a. Regular meetings. The chairperson shall give written notice of the time and place of each regular meeting to all board members at least ten (10) days prior to any regular meeting. The chairperson shall give written notice of the time and place of the meeting to all board members at least five (5) days prior to the date of a regular meeting which is either advanced or postponed.

b. Special meetings. The chairperson shall give as much notice as possible to all board members prior to any special meeting. The notice shall include the time and place of the meeting. Notice shall be given at least three (3) days prior to any special meeting.

3. Public notice of meetings. The chairperson shall give the public the same notice of the time and place of regular and special meetings as is given to board members. The public shall be given notice by mailing a copy of the notice to each party to a proceeding upon which the board is scheduled to make a decision at the meeting and to the EQB Monitor, and by posting a copy of the notice in a conspicuous place in the board's offices. A copy of the agenda for a regular or special meeting shall serve as notice of a meeting if it includes the time and place of the meeting.

4. Agenda.

a. Preparation. A proposed agenda of business to be conducted shall be prepared by the chairperson for all regular meetings of the board. The agenda shall include a list of all matters to be considered at the meeting. Board members may place items on the agenda by notifying the chairperson of the items at least fourteen (14) days prior to a regular meeting. The chairperson shall determine whether or not an item should be placed on the agenda but the chairperson shall advise the board of all items not placed on the agenda. If the item is within the board's jurisdiction and is not placed on the agenda for the meeting requested, the chairperson shall place the item on the agenda for the next succeeding regular meeting. Items may be placed on the agenda for a special meeting in the same manner as for regular meetings provided the chairperson is notified of the item in time to place the item on the agenda. Discussion or informational items for which no decision will be made at the meeting in question may be added to the agenda of any board meeting by motion of a board member and the affirmative vote of a majority of the board members present.

b. Notice of agenda. The chairperson shall mail a copy of the agenda for each regular meeting to every member of the board and to each party to a proceeding upon which the board is scheduled to act at the meeting and to those persons who request copies of the board's agenda, at least ten (10) days prior to the regular meeting for which the regular agenda has been prepared. The agenda for a regular meeting shall be available for public inspection in the board offices at least ten (10) days prior to the regular meeting for which the agenda has been prepared. The agenda for a special meeting shall be available for public inspection in the board offices as far in advance of the special meeting as is reasonably possible. The agenda shall be available at least three (3) days prior to the special meeting.

5. Filing of written material. All written material related to a matter to be decided by the board at a regular meeting must be delivered to the board's offices at least five (5) days before a regular meeting and at least one (1) day before a special meeting, unless otherwise specified in an order of the board.

6. Vice chairperson. At its first meeting in July of each year the board shall by a majority vote elect a member to serve as vice chairperson. It shall be the duty of the vice chairperson, in the absence or disability of the chairperson, to preside at regular and special meetings, call special meetings, execute documents approved by the board and perform such other duties as are assigned to the vice chairperson by a majority vote of the entire board.

7. Conduct of meetings.

a. Quorum. In all matters in which temporary board members are not participating, a majority of the permanent members of the board shall constitute a quorum, and a quorum must be present for the transaction of business.

b. Presiding officer. The chairperson shall preside at all board meetings at which the chairperson is present. The vice chairperson shall preside in the chairperson's absence. The remaining members shall elect a presiding officer among the members present whenever the chairperson and vice chairperson are both absent. The presiding officer shall serve only for that meeting or until the chairperson or vice chairperson arrives.

c. Agenda. The first order of business at the meeting shall be adoption of the agenda, which may be amended or modified by the board prior to taking up other business.

d. Agenda items. No matter shall be voted upon at a regular or special board meeting unless it has been placed on the agenda and all relevant public information has been made available for public inspection at least five (5) days prior to a regular meeting and at least one (1) day prior to a special meeting.

e. Voting. The affirmative vote of a majority of all the members of the board shall be necessary to make any decision, including the adoption, amendment, or repeal of rules and orders. All members present, including the chairperson, shall vote or abstain on every matter presented for decision. Any board matter which does not receive a majority vote shall be placed on the agenda of the next regular monthly meeting or considered at a special meeting.

f. Decisions at open meetings. All regular and special meetings of the board shall be open to the public, and all decisions of the board shall be made at such meetings.

g. Record of meetings. The board shall keep full and accurate minutes of all meetings, including a record of all votes of individual members.

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

h. Discussion. The chairperson shall determine the limits of time and the relevancy of discussion or debate on any matter before the board in accordance with Robert's Rules of Order.

i. Parliamentary procedure. Except as specifically provided in these operating procedures, Robert's Rules of Order shall govern any question of parliamentary procedure which may arise at any meeting of the board.

6 MCAR § 8.004 Execution of documents. The board shall review the need for any contract exceeding \$10,000 with any single contractor. Contracts, stipulation agreements, orders, and other documents approved by the board pursuant to law shall be executed on the board's behalf by the chairperson.

6 MCAR § 8.005 Staff. The chairperson shall hire staff for the board. All board work assignments to staff shall be directed through the chairperson. In determining whether services to be rendered to the board constitute contractual services or an employer-employee relationship, the board shall utilize the guidelines set out in 2 MCAR § 2.012A.

6 MCAR § 8.006 Temporary board members.

A. Eligibility. Temporary board members shall be eligible to vote only on those issues which are authorized for their review under the act. The final determination as to whether temporary board members are eligible to vote on a particular issue shall be made by the chairperson. Whenever feasible, the chairperson shall arrange the board's agenda so that the issues on which temporary board members may vote are grouped together.

B. Quorum. A majority of the total number of temporary and permanent board members eligible to vote on an issue shall constitute a quorum, however, at least six permanent board members must be present to constitute a quorum.

C. Voting. The affirmative vote of a majority of all permanent and temporary board members eligible to vote on an issue shall be necessary to make any decision. All eligible members present, including the chairperson, shall vote or abstain on every matter presented for decision.

6 MCAR § 8.007 Committees. The chairperson with the board's approval may from time to time establish committees of board members as the chairperson deems necessary or desirable to facilitate the board's work. All committee recommendations shall be submitted to the board for appropriate action.

6 MCAR § 8.008 Advisory councils and advisory task forces.

A. Establishment of advisory task forces. In addition to the advisory councils established in the act, the chairperson may establish such advisory task forces as the chairperson, with the approval of the board, deems necessary or desirable. The chairperson shall dissolve any advisory task force when the advisory task force is no longer deemed necessary or desirable. Members of the advisory task forces shall be appointed by the chairperson and shall serve at the chairperson's pleasure.

B. Purpose. Advisory councils and advisory task forces shall advise the board on various matters within their area of expertise and provide technical assistance as requested.

C. Procedures. Each advisory council and advisory task force shall prepare and adopt its own set of operating procedures.

D. Recommendations. Recommendations from advisory councils and advisory task forces shall be provided to the board through the board's chairperson. Advisory councils and advisory task forces may also supply a minority recommendation to the board on an issue. The board shall respond to each formal recommendation of an advisory council or advisory task force. The response shall indicate the board's reaction to the advisory council's or advisory task force's recommendation and the current status of the issue.

6 MCAR § 8.009 Final decisions and orders.

A. Decision. The board shall make all final decisions and orders in those matters for which a hearing has been held. When required by law, the board's decision or order shall be based solely on the record from the hearing. The decision or order shall be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision.

B. Alternative findings and conclusions. If the board finds none of the proposed statements of findings and conclusions to be acceptable, the board shall direct the staff to prepare additional findings and conclusions. Rejection of the existing findings and conclusions shall be considered an interim decision. A final decision on the matter shall be made after the board has accepted a statement of findings and conclusions.

C. Time. The board shall reach a final decision or order on the matter as expeditiously as possible after receipt of the hearing examiner's recommendation.

D. Manner. The chairperson shall place the matter on the agenda for a board meeting when the board is prepared to reach a decision. The decision or order shall be announced at the board meeting and in all cases the decision or order shall be entered in the minutes of the board meeting. If the board or its staff has prepared proposed findings of fact and conclusions prior to the

board meeting, it shall make such proposed findings of fact and conclusions available to all parties at least ten (10) days prior to the board meeting at which the board intends to announce its decision or order.

E. Remand. The board may remand the matter to the hearing examiner for further proceedings if the board determines the record is inadequate.

F. Notice. Every final decision or order in a matter for which a hearing has been held shall be served on all parties to the matter and on all persons who submitted a statement into the record for whom the board has the person's mailing address.

6 MCAR § 8.010 Reconsideration and rehearing.

A. Reconsideration. Any board member or any party to a matter may request the board to reconsider a final decision by notifying the chairperson within 3 days after the meeting at which the final decision on a matter was made. The affirmative vote of two-thirds of the members of the entire board shall be required to reconsider a matter.

B. Obtaining a rehearing.

1. Petition for rehearing. At any time within 3 days after the final decision was made by the board, any party to the matter may request a rehearing by filing a petition for rehearing and a request for reconsideration. A petition for rehearing submitted after a final decision on the matter has been reached by the board shall not be acted upon unless the board has first decided to reconsider its decision on the matter. Such petition shall contain:

- a. The name and address of the petitioner;
- b. The board designation for the matter; and
- c. The reasons for the petition.

2. Action. The board shall grant or deny a petition for rehearing as part of the record of the decision. Such petition shall be granted upon a showing that there are irregularities in the hearing or errors of law, or that there is newly discovered material evidence of such importance it would have likely altered the outcome of the hearing. A rehearing petition shall also be granted upon a showing of good cause for failure to have answered or appeared at the hearing. Evidence and argument may be presented in written or oral form, or both, by any party to the matter regarding the granting or denial of the petition.

3. Rehearing. A rehearing shall be noticed and conducted in the same manner as an original hearing on a matter.

6 MCAR § 8.011 Conflict of interest. Any member of the board who has a direct and substantial financial or employment interest relating to any matter before the board, which interest is reasonable likely to affect his impartiality or judgment in the matter, shall make known the interest and shall refrain from participating in, or voting upon, the matter. No employee or agent of the board, including the chairperson, shall engage in any outside employment or other conduct which is likely to affect adversely the effectiveness or efficiency of any functions or duties the person performs for the board.

6 MCAR § 8.012 Public participation in board matters.

A. Board matters. Any person shall be permitted to participate in any matter in which the board is involved in carrying out its statutory duties and obligations. Participation shall include submitting statements, attending public meetings and conferences of the board, and sharing in the discussions at these meetings and conferences. Participation shall also include receiving notice of the progress of a matter before the board. Any person who wishes to receive notice of the progress of a board matter shall request in writing that the chairperson provide such notice. Thereafter, the chairperson shall give the person sufficient notice of pending events to permit participation. No action of the board shall, however, be held invalid by reason of the chairperson's failure to provide notice to persons who are not parties to a matter. Whenever any person submits a written statement or recommendation to the board on any matter, the board shall notify each person adversely affected by the statement or recommendation. The board shall, upon request, allow each person adversely affected an opportunity to respond, if the board determines that the person has not had an adequate opportunity to submit statements or recommendations on a matter.

B. Board meetings.

1. Agenda items for which no public hearing was held. Upon request made prior to board meeting, any person who desires to present a statement on a matter which is on the agenda for the meeting and for which no public hearing was held, shall be afforded an opportunity to present statements to the board at the meeting, provided however, that all written statements must be submitted at least five (5) days before any regular meeting and one (1) day before any special meeting. Upon request

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

made during a board meeting, any person who desires to present an oral statement on an agenda matter may do so, within such limits of time and manner as the chairperson may establish under the circumstances. The board shall allow any person adversely affected by any oral or written statement submitted under this subsection additional time in which to respond if the board determines that the person has not had an adequate opportunity to do so.

2. Agenda items for which a public hearing has been held. When a public hearing has been held on an agenda matter, any person shall be permitted to submit written statements to the board at any time up to five (5) days before the meeting or at such other time as provided in an order of the board. When the board's decision is limited to a record created at the hearing, written statements shall be limited to the comments or arguments regarding evidence in the record.

6 MCAR § 8.013 *Ex parte* communication. No party to a matter for which a hearing has been ordered by the board shall communicate with any board member concerning the matter except in writing, or orally as part of a presentation at a board meeting. Copies of any written communication shall be sent to all parties to the matter and to all board members.

6 MCAR § 8.014 Reimbursement for out-of-state travel. Reimbursement from board funds to any board member or staff member other than for expenses associated with authorized travel shall be at the discretion and with the prior approval of the chairperson.

ADOPTED 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.

Department of Employee Relations Equal Opportunity Division

Adopted Rules Governing the Statewide Affirmative Action Program

The rules published and proposed at *State Register*, Volume 5, Number 16, pp. 627-633, October 20, 1980 (5 S.R. 627) are now adopted, with the following amendments:

Rules as Adopted

Chapter Eighteen: 2 MCAR §§ 2.201-2.269 Definitions.

2 MCAR § 2.201 "Affirmative action" means a management posture or point of view that all barriers to employment opportunity that are not based on specific job requirements should be identified and removed; further, that initial employment and advancement opportunities for persons in protected groups shown to be underutilized in an agency's work force should be facilitated so that the imbalance is redressed.

2 MCAR § 2.202 "Affirmative action plan" means a coherent set of management policies and procedures designed to find the barriers contributing to imbalance in an agency's work force and to foster the correction of any imbalances which are found to exist.

2 MCAR § 2.203 "Agency."

2 MCAR § 2.204 "Agency promotional list."

2 MCAR § 2.205 "Agency subdivision," for purposes of affirmative action, means a state hospital/nursing home, state school, state university, community college, correctional facility or regional or district office under the jurisdiction of a state agency, which is geographically separate and which has an appointing authority.

- 2 MCAR § 2.206 "Allocation."
- 2 MCAR § 2.207 "Appointing authority."
- 2 MCAR § 2.208 "Board."
- 2 MCAR § 2.209 "Class."
- 2 MCAR § 2.210 "Commission."
- 2 MCAR § 2.211 "Continuous service."
- 2 MCAR § 2.212 "Craft."
- 2 MCAR § 2.2121 "Craft-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.212 and 2.259.
- 2 MCAR § 2.213 "Day."
- 2 MCAR § 2.214 "Demotion."
- 2 MCAR § 2.215 "Department."
- 2 MCAR § 2.216 "Disabled veteran."
- 2 MCAR § 2.217 "Disabled veterans' preference."
- 2 MCAR § 2.218 "Eligible."
- 2 MCAR § 2.219 "Eligible list."
- 2 MCAR § 2.220 "Emergency employee."
- 2 MCAR § 2.221 "Exclusive representative."
- 2 MCAR § 2.222 "Exist or existing."
- 2 MCAR § 2.223 "Full-time employee."
- 2 MCAR § 2.224 "Goal" means a numerical objective designed to correct an identified deficiency in the utilization of protected group members.
- 2 MCAR § 2.25 "Handicapped" means any person who:
- A. has a physical or mental impairment which substantially limits one or more major life activities,
 - B. has a record of such an impairment, or
 - C. is regarded as having such an impairment.
- For purposes of these rules, the term "handicapped" does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents such an individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.
- 2 MCAR § 2.226 "Intermittent employee."
- 2 MCAR § 2.227 "Intern."
- 2 MCAR § 2.228 "Labor force statistics" means figures as determined by the most recent Federal census published by the U.S. Department of Commerce, Bureau of the Census on the estimated number of persons sixteen (16) years of age or over who are working or are seeking work or who are unemployed at the time.
- 2 MCAR § 2.229 "Labor market area" means a geographic area in which an employer is seeking a particular occupational category of worker and there is an available supply of workers seeking jobs in that occupational category.
2. MCAR § 2.230 "Laborer."
- 2 MCAR § 2.2301 "Laborer-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.230 and 2.259.
- 2 MCAR § 2.231 "Law."

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

- 2 MCAR § 2.232 "Layoff list."
- 2 MCAR § 2.233 "Leadworker."
- 2 MCAR § 2.234 "Managerial."
- 2 MCAR § 2.235 "Military leave."
- 2 MCAR § 2.236 "Occupational category" means one of the groups of classes defined in 2 MCAR § 2.212, 2.2121, 2.230, 2.301 A., 2.234, 2.237, 2.2371, 2.239, 2.2391, 2.249, 2.2491, 2.256, 2.2561., 2.260 and 2.2601.
- 2 MCAR § 2.237 "Office/clerical."
- 2 MCAR § 2.2371 "Office/clerical-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.237 and 2.259.
- 2 MCAR § 2.238 "Open competitive list."
- 2 MCAR § 2.239 "Operative."
- 2 MCAR § 2.2391 "Operative-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.239 and 2.259.
- 2 MCAR § 2.240 "Organization unit."
- 2 MCAR § 2.241 "Original appointment."
- 2 MCAR § 2.242 "Overtime."
- 2 MCAR § 2.243 "Part-time employee."
- 2 MCAR § 2.244 "Permanent employee."
- 2 MCAR § 2.245 "Pre-service trainee."
- 2 MCAR § 2.246 "Position."
- 2 MCAR § 2.247 "Probationary employee."
- 2 MCAR § 2.248 "Probationary period."
- 2 MCAR § 2.249 "Professional."
- 2 MCAR § 2.2491 "Professional-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.249 and 2.259.
- 2 MCAR § 2.250 "Promotion."
- 2 MCAR § 2.251 "Protected group" means all groups defined as "protected group" by Minn. State. § 43.15, subd. 1. See also definition of "Handicapped", 2 MCAR § 2.225.
- 2 MCAR § 2.252 "Provisional employee."
- 2 MCAR § 2.253 "Reclassification."
- 2 MCAR § 2.254 "Reemployment list."
- 2 MCAR § 2.255 "Seasonal."
- 2 MCAR § 2.256 "Service."
- 2 MCAR § 2.2561 "Service-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.256 and 2.259.
- 2 MCAR § 2.257 "Statewide promotional list."
- 2 MCAR § 2.258 "Student worker."
- 2 MCAR § 2.259 "Supervisory."
- 2 MCAR § 2.260 "Technical/professional."
- 2 MCAR § 2.2601 "Technical/paraprofessional-supervisory" means those positions which meet the definitions of both 2 MCAR §§ 2.260 and 2.259.
- 2 MCAR § 2.261 "Temporary employee."
- 2 MCAR § 2.262 "Timetable" means a prescribed reasonable time period in which affirmative action goals are expected to be achieved.
- 2 MCAR § 2.263 "Transfer."

2 MCAR § 2.264 "Underutilization" means the employment, in an occupational category, of fewer qualified protected group members than would reasonably be expected by their availability in the labor market area.

2 MCAR § 2.265 "Unlimited employee."

2 MCAR § 2.266 "Veteran."

2 MCAR § 2.267 "Veterans preference."

2 MCAR § 2.268 "Work assignment, change in."

2 MCAR § 2.269 "Working day."

2 MCAR § 2.270-2.274 [Reserved for future use.]

Chapter Twenty: 2 MCAR §§ 2.290-2.299 Statewide Affirmative Action Program

2 MCAR § 2.290 Policy. It is the policy of the State of Minnesota to implement and maintain an affirmative action program designed to eliminate underutilization of qualified protected group members within the state civil service through a series of specific results oriented procedures combined with good faith effort.

2 MCAR § 2.291 Scope. The provisions of this chapter shall apply to all agencies in the executive branch and to both classified and unclassified positions of those agencies, notwithstanding 2 MCAR § 2.004. In the event of a conflict of duplication between requirements of these rules and federal regulations and at the request of the agency head, the Commissioner shall permit an agency to substitute a federally required procedure for a similar procedure otherwise required by these rules.

2 MCAR § 2.292 Responsibilities and accountabilitys of the agency head.

A. The agency head shall be responsible for administering the agency's Affirmative Action Program in compliance with existing laws, federal regulations and state rules.

B. The agency head shall be accountable to the Governor and to the commissioner for affirmative action compliance.

2 MCAR § 2.293 Requirements for agency affirmative action plans.

A. The head of each agency with twenty-five (25) or more employees shall submit to the Commissioner an agency affirmative action plan that shall contain at least the following but at the discretion of the agency head may contain other provisions not in conflict with these rules:

1. Identification of the protected group or groups underrepresented in the agency's work force and, therefore, covered by the affirmative action plan.

2. Designations of those persons or groups responsible for directing and implementing the agency affirmative action program and the specific responsibilities, accountabilitys, and duties of each person or group.

3. Statement of the agency head's commitment to affirmative action program and to the implementation of the agency affirmative action plan.

4. ~~Location of~~ Specify a readily accessible location for the posting of the agency's affirmative action plan.

5. Description of methods by which the agency affirmative action program is communicated internally and externally to employees and other interested persons.

6. Description of internal procedure for processing complaints of alleged discrimination from employees.

a. The initial step shall provide for a determination as to whether the complaint is properly a discrimination complaint and, therefore, appropriate to be addressed by the internal procedure. Time limits on such determinations shall be established to permit the employee to pursue a complaint determined to be other than a discrimination complaint through other appropriate grievance procedures in accordance with the time limitations of those procedures.

b. Complaint procedures shall provide for a final written answer within sixty (60) days of the filing of a formal complaint.

c. Disposition of complaints shall be filed with the Commissioner within thirty (30) days of final determination.

7. Goals and timetables that shall be established using the following standards.

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

a. Numerical goals shall be established for the agency and for each agency's subdivision with 25 or more employees that is in a geographic location with a labor market area separate from that of the central office.

b. Agency heads shall use labor force statistics from census data when available to examine work force participation, or when an agency requests the authority to substitute more specific data, the Commissioner shall consider alternative data sources and determine their applicability based on the following criteria:

- (1) the objectivity of the supplying organization,
- (2) the reliability of statistical procedures used to generate the data, and
- (3) comparability of data categories (occupational, geographic, handicapping condition, for example) used.

c. Underutilization of protected groups shall be determined using statistical formulae which shall be based on the following criteria:

- (1) Types of jobs within each agency and agency subdivision;
- (2) Number of employees in those jobs, by state class title and by protected group;
- (3) Availability of protected group workers having the qualifications for those jobs and;
- (4) Geographic locations and applicable labor market areas for each type of job in each agency and agency subdivision.

d. Goals shall be established for each occupational category by protected group based upon a comparison of the composition of the agency or the agency's subdivision work force to the composition of ~~workers~~ the relevant civilian labor force in an identified labor market area.

e. Goals shall be established for each occupational category by protected group for which the comparison shows an underutilization of one or more protected groups.

f. Timetables shall be established to meet goals based upon turnover and hire rates within each occupational category in the agency or within each agency subdivision.

8. Identification and description of methods for developing programs and program objectives designed to meet affirmative action goals.

9. Methods of auditing, evaluating, and reporting program success to include a procedure that requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals.

10. The official affirmative action transmittal form which provides for section by section verification of the plan's components.

B. The head of each agency with fewer than twenty-five (25) employees shall submit to the commissioner an agency affirmative action plan that shall contain the following:

1. Statement of the agency head's commitment to the affirmative action program.
2. Statement of the agency head's objective to hire members of protected groups when vacancies occur if an apparent underutilization of protected group members exists in the agency work force.
3. Description of internal procedure for processing complaints of alleged discrimination from employees.

a. The initial step shall provide for a determination as to whether the complaint is properly a discrimination complaint and, therefore, appropriate to be addressed by the internal procedure. Time limits on such determinations shall be so established to permit the employee to pursue a complaint determined to be other than a discrimination complaint through other appropriate grievance procedures in accordance with the time limitations of those procedures.

b. Complaints procedures shall provide for final written answer within sixty (60) days of filing of a formal complaint.

c. Disposition of complaints shall be filed with the Commissioner within thirty (30) days of the final determination.

2 MCAR § 2.294 Affirmative action plan review.

A. Agency heads shall submit an affirmative action plan annually to the State Director of Equal Employment Opportunity, within thirty (30) days following the end of the prior fiscal year.

B. Within thirty (30) days of receipt of the agency plan, the State Director of Equal Employment Opportunity shall review the agency affirmative action plan and shall notify the agency head of the approval or of the need to modify the plan.

C. The State Director of Equal Employment Opportunity shall approve an agency plan which meets the requirements of the foregoing rules and shall indicate the basis on which an agency affirmative action plan was not approved.

D. An agency affirmative action plan that is not approved by the State Director of Equal Employment Opportunity shall be

ADOPTED RULES

modified as necessary by the agency head and resubmitted to the State Director of Equal Employment Opportunity within thirty (30) days from the date of notification.

E. The State Director of Equal Employment Opportunity shall respond within ten (10) days of receipt of the resubmitted affirmative action plan.

2 MCAR § 2.295 Reporting requirements.

A. Agency heads with twenty-five (25) or more employees shall submit quarterly to the Commissioner a report of the agency's efforts to meet affirmative action goals and the progress resulting from those efforts.

B. Agency heads with fewer than twenty-five (25) employees shall submit semi-annually to the Commissioner a report of the agency's efforts to meet affirmative action objectives and the progress resulting from those efforts.

C. Reports shall be due thirty (30) days following the close of the reporting period.

D. Agency heads shall submit ~~biennially to the Governor and to the Legislature with a copy~~ to the commissioner, concurrent with the biennial agency budget request, a report on the ~~implementation~~ results of the agency's affirmative action plan ~~as part of the agency budget request~~. The commissioner shall submit these reports to the Governor and the Legislature.

[The following transmittal form, which was inadvertently omitted from the proposed rules, was incorporated into the rules at the public hearing on November 25, 1980, and now appears as part of the adopted rules.]

AFFIRMATIVE ACTION PLAN

Fiscal Year _____

For

(Agency or Agency Subdivision)

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check each category appropriate)

OCCUPATIONAL CATEGORIES	PROTECTED GROUPS			
	WOMEN	MINORITIES	HANDICAPPED	VETERANS
Unclassified				
Management				
Professional-S				
Professional				
Technical-S				
Technical				
Crafts-S				
Crafts				
Office-S				
Office				
Operative-S				
Operative				
Laborer-S				
Laborer				
Service-S				
Service				

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

2. This annual plan is and will be posted at the following central location so that every employee is aware of the agency's commitments in affirmative action for the year.

3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as our agency's affirmative action goals for this fiscal year.

Affirmative Action Officer

Date

4. This annual plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

Agency Head

Date

5. This annual plan meets the rules governing affirmative action, Chapter 20: 2 MCAR 2.290-2.299, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Equal Opportunity Division

Date

PE-00102-01 (12/80)

Department of Labor and Industry Occupational Safety and Health Division

Adoption by Reference of Federal OSHA Standards

Pursuant to Minn. Stat. § 182.655 (1980), notice was duly published at *State Register*, Volume 5, Number 32, pages 1217-1218 (5 S.R. 1217), dated February 9, 1981, specifying the establishment and modification of certain Occupational Safety and Health Standards. No written comments or requests for hearing on objections have been received concerning the adoption of said standards.

Therefore, those occupational safety and health standards are hereby adopted and are identical in every respect to their proposed form.

Harry D. Peterson
Commissioner of Labor & Industry

Pollution Control Agency Solid Waste Division

Adopted Amendments to the Rules Governing the Management of Hazardous Waste

The proposed amendments to 6 MCAR §§ 4.9001 B., C. and D., 4.9002 E., 4.9003 F., G. and H., 4.9004 C. and I., 4.9005 F. and G., 4.9006 G., and 4.9008 C. and E., published at *State Register*, Volume 5, Number 27, pp. 1079-1090, January 5, 1981, (5 S.R. 1079) are adopted with the following changes:

Amendments as Adopted

6 MCAR § 4.9003 H. and I. [Reletter as 6 MCAR § 4.9003 I. and J.]

6 MCAR § 4.9004 Location, operation and closure of a hazardous waste facility.

C.2. Acceptance of hazardous waste.

a. The facility operator shall notify the agency by telephone immediately upon delivery and prior to acceptance of a shipment of hazardous waste if any of the following discrepancies exist.

- (1) Incomplete shipping papers.
- (2) A container or portable tank containing hazardous waste is not properly labeled.
- (3) The shipping papers and the labels are inconsistent.
- (4) The shipping papers and the hazardous waste shipment are inconsistent with regard to quantity, type or number of containers.

Within ~~five (5)~~ ten (10) working days, a follow-up report which fully describes any discrepancy, its resolution and the management of the hazardous waste shall be mailed to the agency.

b. In the event a shipment of hazardous waste without any shipping papers is delivered to a hazardous waste facility, the facility operator shall immediately notify the agency by telephone of:

- (1) the transporter's name and vehicle license plate;
- (2) the transporter's address and EPA identification number, if available;
- (3) the generator's name, address and EPA identification number, if available;
- (4) a description of the unmanifested waste;
- (5) a brief explanation of why the waste was unmanifested, if known.

Within ~~five (5)~~ ten (10) working days, a follow-up report which fully describes any discrepancy, its resolution and the management of the hazardous waste shall be mailed to the agency.

c. No facility operator shall accept a shipment of hazardous waste that the facility operator is not allowed to manage under the Hazardous Waste Facility Permit unless written approval is obtained from the director. The Director shall approve the acceptance of the waste if the director determines that:

- (1) The hazardous waste is a waste that can be properly managed at the facility, and
- (2) The generator has filed a disclosure with the agency. ~~The director shall act on the request as expeditiously as possible.~~

~~possible.~~

The director shall act on the request as expeditiously as possible.

I. Small hazardous waste containerized storage facilities. The facility operator of a hazardous waste containerized storage facility with a capacity of less than 5,000 gallons (18,927 liters) of hazardous waste in containers and tanks shall not be required to comply with the requirements of subparagraph 1 of paragraph B., or subparagraphs 1.d., 1.f., 2.c., 6.a., 6.b., 6.c., and 6.d. of paragraph C., and subparagraphs 1., 3. and 4. of paragraph D., provided: ~~1. No~~ no other hazardous waste facility is located at the same site; ~~or.~~

~~2. Any accumulation of hazardous waste equal to or greater than 2200 pounds (1000 kilograms) is not stored for longer than 90 days. The length of accumulation is calculated from the date storage began and not the date on which the accumulated waste first equals or exceeds 2200 pounds (1000 kilograms).~~

6 MCAR § 4.9005 Transportation of hazardous waste.

F. Delivery of hazardous waste. ~~1. No~~ person shall deliver hazardous waste to a hazardous waste facility or give hazardous waste to a transporter for shipment to a hazardous waste facility located in the State of Minnesota, if the facility operator has not obtained a Hazardous Waste Facility Permit from the agency. Nothing in this provision is intended to require the transporter to undertake any evaluation of a waste to determine whether it is hazardous.

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

~~2. Immediately upon arrival at the hazardous waste facility the transporter shall notify the facility operator of any discrepancy between the hazardous wastes listed on the shipping papers and the hazardous waste shipment being delivered to the hazardous waste facility.~~

G. Registration of hazardous waste transporters. Any person who transports hazardous waste that originates or terminates in Minnesota shall register with the agency and obtain an identification number from EPA prior to transporting the hazardous waste. ~~The transporter shall keep the agency advised of his current address.~~

6 MCAR § 4.9008 Hazardous waste shipping papers.

C.3. The hazardous waste shipping papers shall include the following information.

e. The description of the waste(s) [e.g., proper shipping name, etc.] required by regulations of the U.S. Department of Transportation in 49 C.F.R. §§ 172.101, 172.202 and 172.203 (1979) if applicable; otherwise the description of the waste(s) as listed on the Minnesota hazardous waste disclosure.

E. Signing and submission of hazardous waste shipping papers.

1. Prior to relinquishing possession of a shipment of hazardous waste each generator, transporter, and facility operator shall obtain the dated signature of the transporter or facility operator who accepts the shipment of hazardous waste on the original and each copy of the hazardous waste shipping papers. The generator shall retain one copy of the hazardous waste shipping papers, give the original and ~~four~~ at least three copies to the transporter and shall send one copy to the following address:

Hazardous Waste, MIS
322 Washington Avenue South
Hopkins, Minnesota 55343

The transporter shall retain one copy of the hazardous waste shipping papers after relinquishing possession of the hazardous waste and give the original and ~~three~~ two copies to the hazardous waste facility operator. ~~The hazardous waste facility operator shall within two days after gaining possession, return one copy to the generator and one copy to the above address.~~ The facility operator shall sign the original and the remaining ~~copy~~ copies of the hazardous waste shipping papers upon ~~ultimate disposition~~ gaining possession of the hazardous waste, retaining one copy, sending one copy to the above address and returning the original to the generator within ~~two~~ five (5) working days of ~~ultimate disposition~~ gaining possession. Generators, transporters, and facility operators shall retain their copies of the shipping papers in accordance with 6 MCAR § 4.9008 E.4.

E.3. When a shipment of hazardous waste is to be delivered to a hazardous waste facility located outside the State of Minnesota, the generator shall ensure that the copy of the hazardous waste shipping papers signed by the facility operator is sent to the address listed in subparagraph 1 of this paragraph within ~~ten~~ thirty five (35) days of the acceptance of the hazardous waste by the hazardous waste facility. If the generator is unable to comply with this deadline, a letter of explanation must be sent to the address listed in subparagraph 1 of this paragraph within five (5) working days after the expiration of the thirty five (35) day period.

6 MCAR § 4.9006 I.2. [Proposed amendment withdrawn.]

Department of Public Welfare Income Maintenance Bureau

Extension of Adopted Temporary Rule Governing Pre-admission Screening for Long Term Care (12 MCAR § 2.065)

The temporary rule published at *State Register*, Volume 5, Number 15, pp. 599-601, October 13, 1980 (5 S.R. 599) and adopted at *State Register*, Volume 5, Number 30, p. 1163, January 26, 1981 (5 S.R. 1163), is continued in effect until June 30, 1981.

SUPREME COURT

Decisions Filed Friday, March 20, 1981

Compiled by John McCarthy, Clerk

51356/Sp. State of Minnesota v. Betty Jean Southern, Appellant. Ramsey County.

Evidence was sufficient to establish that defendant's failure to stop motor vehicle after accident was gross negligence and a substantial factor causing victim's death.

Statements elicited from defendant by police before Miranda warning was given are admissible on cross-examination to impeach defendant's contrary statements.

Defendant's conviction for negligent vehicular homicide, Minn. Stat. § 609.21 (1980), is affirmed. Yetka, J. Dissenting, Simonett, Otis and Wahl, JJ.

51405/Sp. Clem Pierce, petitioner, v. State of Minnesota, Driver and Vehicle Services, Appellant. Hennepin County.

The Commissioner of Public Safety has statutory authority to issue a limited license after suspension of all driving privileges. Because the commissioner's decision not to issue a limited license in this case was based on the belief that he was without statutory authority to issue such a license, a remand to the commissioner for a new determination is required.

Affirmed in part, reversed in part and remanded. Yetka, J.

51053/370 Dallas Henning and Marilyn Henning, husband and wife, v. George James Wineman, Western National Mutual Insurance Company, Appellant. Redwood County.

The district court has the authority to allocate the proceeds of a third party settlement made in district court between amounts recoverable under workers' compensation and amounts not so recoverable.

When the proceeds of a third party settlement made in district court include both amounts recoverable and not recoverable under workers' compensation, the employee may petition the district court to allocate the proceeds between amounts recoverable and not so recoverable.

Affirmed. Amdahl, J. Took no part, Sheran, C. J.

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.

Department of Administration Telecommunications Division

Notice of Availability of Contract for Technical Services to Assist in General Rate Increase Proceedings

The Department of Administration is seeking qualified consultants to investigate and assist in the department's intervention in hearings before the Public Utilities Commission regarding Northwestern Bell Telephone Company's petition for a general rate increase.

The tasks involve developing and delivering direct testimony, rebuttal, and cross examination for the Department of Administration's position in the rate hearing proceedings.

STATE CONTRACTS

Details of the project are contained in a Request for Proposal and are available from:

Department of Administration
Telecommunications Division
State Administration Building G-4
St. Paul, Minnesota 55155

For further information, contact Roger Nelson, (612) 296-6544.

Estimated cost of the project should not exceed \$65,000.00.

Final date for submission of proposals is 4:30 p.m., April 20, 1981.

Department of Education School Management Services Division

Notice of Request for Proposals for Data Processing Services

The School Management Services Division, Education Data Systems Section is seeking qualified individuals or organizations with experience in government EDP systems using large scale Burroughs computers to assist the department with the development and maintenance of the State Department of Education Information System (SDE-IS).

The specific services which will be provided under contract are outlined in detail in the Request for Proposals (RFP) Statement of Project Tasks.

The formal RFP may be requested and inquiries should be directed to:

Mr. Charles Coskran, Director
Education Data Systems Section
Room 803, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

It is anticipated that the cost of services to be provided during the contract period from July 1, 1981 through June 30, 1983 will be \$226,000.

A meeting to answer any questions which prospective responders may have will be held on Tuesday, April 7, 1981 at 1:30 p.m. in Room 914, Capitol Square Building.

The deadline for submission of completed proposals will be the close of the working day April 27, 1981.

Department of Public Welfare Fergus Falls State Hospital

Notice of Request for Proposals for Contractual Services

The Fergus Falls State Hospital, a division of the Department of Public Welfare, Mental Health Bureau, is seeking the following services on a contractual basis for the period July 1, 1981, through June 30, 1982. These services are to be performed as requested by the Administration of the Fergus Falls State Hospital.

This request for proposals does not obligate the state to complete the projects, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Description of Services Requested:

- 1) Services of an organization to provide sheltered (handicapped) workers to work in the Fergus Falls State Hospital's industries in a learning experience setting. The organization shall provide necessary administrative and overhead functions related to evaluation of productivity of workers, placement, payroll recordkeeping, etc. The estimated amount of the contract should not exceed \$21,000.00.
- 2) Services of a radiologist, including the provision of facilities, equipment and supplies, to interpret X-rays as needed by the Fergus Falls State Hospital's X-ray Department. The estimated amount of the contract should not exceed \$13,000.00.
- 3) Services of a pathologist, including the provision of necessary facilities, equipment and supplies, to perform pathological services and autopsies as needed by the Fergus Falls State Hospital. Also to provide a consultant to review hospital's

laboratory tests, check quality control and provide consultation and supervision to the hospital's own laboratory. The estimated amount of the contract should not exceed \$13,000.00.

Proposals for any of the above listed services must be received by not later than 11:00 a.m., April 20, 1981. Late proposals will not be accepted.

Direct inquiries or proposals to:

Linda A. Brill, Acting Business Manager
Fergus Falls State Hospital
Box 157
Fergus Falls, MN 56537
Phone: (218) 739-7378

Department of Transportation Surveying and Mapping Division

Notice of Availability of Contract for Photogrammetric Services for Fiscal Year 1982 (July 1, 1981 to June 30, 1982)

The Minnesota Department of Transportation desires an aerial surveys firm to provide the following photogrammetric services conforming to Mn/DOT specifications:

1. Aerial Vertical Photography

Provide negatives taken by the contractor using a precision aerial camera. The negatives shall be suitable for printing photographs and transparencies and for use in the States' photogrammetric instruments for analytical aerial triangulation and map compilation. The state may call for the use of panchromatic, color negative or infrared color emulsions in obtaining the photography.

2. Aerial Oblique Photography

Provide negatives taken by the contractor suitable for printing photography for illustrative purposes.

3. Photographic Laboratory Services

Provide from aerial negatives, rectified, ratioed and controlled photographic enlargements and mosaics, 9½" × 9½" diapositives on glass or film suitable for photogrammetric compilation of topographic mapping, screened photographic film positives from mosaic negatives, and continuous roll photographic film positives of topographic mapping from scribed originals on 36" wide roll.

4. Map Compilation

Provide map compilation by Wild A-10 Autograph or equivalent type instrument for the compilation of topographic maps or photogrammetric cross-sections.

Firms interested in submitting a proposal for this contract should write for additional information. Requests for additional information will not be considered if delivered after 4:30 p.m., April 20, 1981.

Send your response to:

E. R. Larson, Director
Office of Surveying and Mapping
Room 711, Transportation Building
St. Paul, Minnesota 55155

Department of Transportation Technical Services Division Office of Engineering Standards

Notice of Availability of A Contract for Steel Guard Post Evaluation

The Department of Transportation requires the services of a consultant for the evaluation of the safety aspects of steel guard posts used at traffic signal installations.

STATE CONTRACTS

The proposed study will, using full scale crash tests, evaluate the crashworthiness of the four (4) inch steel guard posts (Mn/DOT Standard Plate 8116C) to:

1. verify the standard design eliminating the need for changes to present installations, or
2. provide a practical and economical design modification that will meet the required safety criteria for new installations, and
3. provide a practical and economical retro-fit design for in-place installations.

The Department of Transportation has budgeted a maximum of forty thousand (\$40,000) dollars for this work.

Those interested may obtain a request for proposal from:

Gabriel S. Bodoczy, P.E.
Research Services Engineer
Office of Research and Development
Minnesota Department of Transportation
Room B-9, Transportation Building
St. Paul, Minnesota 55155
Telephone: 612-296-4925

Request for proposals will be available through April 20, 1981. All proposals will be due no later than April 24, 1981.

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 Commerce Banking Division

Bulletin No. 2364: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of April, 1981

Notice is hereby given that pursuant to § 47.20, subd. 4a, Minnesota Statutes, the maximum lawful rate of interest for conventional home mortgages for the month of April, 1981, is fifteen and one-quarter (15.25) percentage points.

Further, pursuant to Senate File No. 273, Chapter 373, 1980 Session Laws, as it amended § 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of April, 1981, is fifteen and one-quarter (15.25) percentage points.

March 18, 1981

Michael J. Pint
Commissioner of Banks

Pollution Control Agency Solid Waste Division

Notice of Intent to Solicit Outside Opinions and Information Concerning Revisions to the Minnesota Hazardous Waste Rules

Notice is hereby given that the Minnesota Pollution Control Agency (agency), is seeking opinions and information from sources outside the agency for the purpose of revising the state's hazardous waste rules in order to gain interim authorization and to lead towards final authorization from the United States Environmental Protection Agency (EPA), pursuant to 40 CFR, Part 123, of the federal hazardous waste program.

On June 18, 1979, the state's hazardous waste rules became effective which define hazardous waste and establishes requirements governing hazardous waste storage, transport, treatment and disposal. The EPA promulgated the federal hazardous waste regulations on May 19, 1980. In part, these regulations provide a method by which a state may obtain authorization from the EPA to operate its program in lieu of the federal program. In order for the state to obtain interim authorization, it must have a program "substantially equivalent" to the federal program. Therefore, rule revisions will be necessary to obtain this goal. These revisions would affect the general areas of hazardous waste identification, generator, transporter and facility standards.

All interested or affected persons or groups may submit information or comments on this subject of the proposed rule revisions either orally or in writing. All comments should be addressed to:

Minnesota Pollution Control Agency
Attention: Larry Christensen
1935 West County Road B-2
Roseville, Minnesota 55113
(612) 297-2718

All statements of information or comments must be received by April 30, 1981. Any written material received by this office will become part of the record of any rules hearing on this subject.

The proposed rule revisions will be written in at least three (3) segments; identification, generator and transporter standards, and facility standards. When a segment is completed, the Agency will publish a Notice stating that the completed portion is available for review and requesting public comment. All comments received will be considered for incorporation into the rules.

March 23, 1981

Louis J. Breimhurst
Executive Director

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

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 55155; (612) 296-7876. Application deadline is April 21, 1981.

COMMUNITY SCHOOL ADVISORY COUNCIL has one vacancy open immediately for a public member. The council promotes the advancement of educational, recreational and social opportunity through maximum utilization of public school facilities; members are appointed by the Governor. Quarterly meetings; members receive \$35 per diem. For specific information contact, Community School Advisory Council, 680 Capitol Square Bldg., St. Paul 55101; (612) 296-2587.

STATE ADVISORY TASK FORCE ON UNIFORM DATA STANDARDS FOR STUDENT REPORTING has one vacancy open immediately for a representative of the regional management information centers. The advisory task force makes recommendations to the legislature on policy standards for school district reporting of student data. Members are appointed by the Commissioner of Education, a representative appointed by the Minnesota Educational Computing Consortium, and a representative of the regional management information centers and three public school employees involved in student reporting in school districts of various sizes, appointed by the Board of Education. For specific information contact, State Advisory Task Force on Uniform Data Standards For Student Reporting, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

ADVISORY TASK FORCE ON UNIFORM DATA STANDARDS FOR PERSONNEL/PAYROLL REPORTING has one vacancy open immediately for a member of a small school district. The advisory task force makes recommendations to the legislature on policy standards for school district reporting of personnel data. Members are appointed by the Commissioner of Education, a representative appointed by the Minnesota Educational Computing Consortium, and a representative of the ESV regional management information centers and three public school employees involved in personnel reporting in school districts of various sizes, appointed by the Board of Education. For specific information contact, Advisory Task Force on Uniform Data Standards for Personnel/Payroll Reporting, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

BOARD OF BOXING has one vacancy open immediately for a professional member. The board licenses boxers, seconds, managers, franchise holders; makes rules governing sparring and boxing exhibitions; members are appointed by the Governor. Monthly meetings; usually at boxing matches. Members receive \$35 per diem plus expenses. For specific information contact Board of Boxing, 5th Floor, Metro Square Bldg., St. Paul 55101; (612) 296-2501.

OFFICIAL NOTICES

GOVERNOR'S OFFICE OF VOLUNTEER SERVICES ADVISORY COMMITTEE has one vacancy open for a representative in Region 3. The committee promotes volunteer services; makes recommendations to the governor on programs and goals of office of volunteer services. Members are appointed by the Governor, include at least 1 from each economic development region. Four-five meetings per year; members compensated for expenses. For specific information contact Governor's Office of Volunteer Services Advisory Committee, 130 State Capitol, St. Paul 55155 (612) 296-4731.

STATE INFORMATION SYSTEMS ADVISORY COUNCIL has one vacancy open immediately for a member. The council assists Department of Administration in developing a state information services master plan. Makes recommendations to the commissioner on the state's computerization effort. Members are appointed by the Governor; meetings at the call of the chairman; members receive no compensation. For specific information contact, State Information Systems Advisory Council, 200 Administration Bldg., St. Paul 55155; (612) 296-6852.

Errata

The rule relating to Health Manpower published at *State Register*, Volume 4, Number 51, p. 1982, Monday, June 23, 1980 (4 S.R. 1982) was incorrectly numbered as 7 MCAR § 1.235. The correct number for that rule is 7 MCAR § 1.531.

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

_____ Annual subscription \$120.00
_____ Single copies \$2.25 each

The 1979-80 Audio Visual Catalog. A 275-page catalog of state agency films, slides and tapes available to the public.

_____ Single copy \$4.50 + \$.18 (sales tax) = \$4.68* each

Session Laws of Minnesota—1980. One volume. Laws enacted during the 1980 legislative session. Inquire about back volumes. \$40 plus tax.

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

_____ *State Register Binder* \$6.00 + \$.24 (sales tax) = \$6.24* each

Finding Aids Annual. Contains cumulative findings aids to Volume 3 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

_____ Single copy \$3.00

Minnesota Statutes Supplement—1979. One volume. \$40 plus tax.

Workmen's Compensation Decisions. Volume 33. Selected landmark decisions of the Workmen's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

_____ Annual subscription \$50.00

Minnesota Reports. Supreme Court Decisions. Volume 312 and previous numbers. (More recent volumes available from Supreme Court, Office of Court Administrator, 317E Capitol, St. Paul, MN 55155).

_____ \$8.25 each plus tax.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

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

Name _____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library
Room 111 Capitol
Interoffice