

81 July 13

# STATE REGISTER

STATE OF MINNESOTA



**VOLUME 6, NUMBER 2**

**July 13, 1981**

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**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
<b>SCHEDULE FOR VOLUME 6</b>			
3	Monday July 6	Monday July 13	Monday July 20
4	Monday July 13	Monday July 20	Monday July 27
5	Monday July 20	Monday July 27	Monday Aug 3
6	Monday July 27	Monday Aug 3	Monday Aug 10

\*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.

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

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## 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*.

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LADY SLIPPER Pencil drawing by Linda Bastlan, New Ulm Junior High School, New Ulm, MN.

# PROPOSED RULES

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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.

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## Public Utilities Commission

### Proposed Rule Governing Rule Variances

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Public Utilities Commission proposes to adopt the above-entitled rule without a public hearing. The Public Utilities Commission has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4 (1980).

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 Commission and do not result in a substantial change.

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 commission will proceed according to the provisions of Minn. Stat. § 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:

Randall Young, Executive Secretary  
Public Utilities Commission  
780 American Center Building  
160 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Authority for the adoption of this rule is contained in Minn. Stat. § 15.0412, subd. 1a (1980). Additionally, a statement of need and reasonableness that describes the need for and the reasonableness of each provision of the proposed rule has been prepared and is available to the public at the Public Utilities Commission.

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 request for notice to Randall Young. A copy of the proposed rule is attached to this notice.

Randall Young  
Executive Secretary

**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

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## Rule as Proposed (all new material)

### 4 MCAR § 3.0600

The Public Utilities Commission upon written application or upon its own motion may grant a variance to any of its rules in an instance where it appears to the satisfaction of the commission that:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting of the variance would not adversely affect the public interest; and
3. Granting of the variance would not conflict with standards imposed by law.

The commission shall, within 30 days after receipt of an application, notify the applicant in writing of the granting or denial of the variance and the reasons therefor. A variance may be conditioned upon alternative practices proposed by the applicant or imposed by the commission.

Variations may be of limited duration, and may be revoked if a material change occurs in the circumstances which justified the variance, or if the applicant fails to comply with the specified alternative practices.

## Department of Transportation

### Notice of Withdrawal of Proposed Rules Governing Weight Limitations on Interstate Highways and Designated Routes

The above proposed amended rules came on for hearing on December 5, 1980, at 10:00 a.m., in a proceeding captioned, In the Matter of the Proposed Adoption of Amended Rules of the Department of Transportation Governing Weight Limitations on Interstate Highways and Designated Routes. The Hearing Examiner, Harry Seymour Crump, in that proceeding, issued his report on December 30, 1980.

By virtue of the passage of Laws 1981, ch. 81, and after a review of the record herein, the commissioner hereby orders that the proposed amended rules governing weight limitations on interstate highways and designated routes, as published in 5 S.R. 723, November 3, 1980, and reviewed in the hearing of December 5, 1980, are withdrawn.

Please be advised pursuant to Laws 1980, ch. 81, that the Commissioner of Transportation on this date by separate order has designated certain street and highway routes, or segments of those routes, to carry the gross weights allowed by Minnesota Statutes § 169.832.

June 29, 1981

Richard P. Braun  
Commissioner of Transportation

### Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832.

#### Order No. 65851

The Commissioner of Transportation hereby orders and gives notice that, pursuant to Minnesota Statutes § 169.832 (1980), as amended by Laws 1981, ch. 81, the following street and highway routes, or segments of those routes, are designated and permitted to carry the gross weights allowed under Minnesota Statutes § 169.832. Those routes or their segments are as follows:

Explanatory Note: Both the 12 month and seasonal routes are listed together. The 12 month routes are all in capital letters. The seasonal routes are in small letters. The routes are listed in numerical order and read geographically from west to east and from south to north.

#### Trunk Highways

- T.H. 1—From west state border to Jct. T.H. 32  
From Jct. T.H. 32 to Jct. T.H. 219  
(Effective August 3, 1981).
- T.H. 2—In its entirety from west state border to Jct. T.H. 61 (I-35).  
FROM JCT. I-35 IN DULUTH TO ARROWHEAD BRIDGE.
- T.H. 3—From Jct. T.H. 21 to Jct. T.H. 55.  
FROM JCT. 110 TO T.H. 5.

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**PROPOSED RULES**

- T.H. 4—From Jct. T.H. 14 north to Jct. T.H. 68.
- T.H. 5—From west Jct. T.H. 19 to T.H. 212.  
From Jct. T.H. 41 to I-494.  
FROM JCT. I-494 TO MISSISSIPPI RIVER.  
From Mississippi River to Grand Avenue (Ramsey Street).  
(EAST 7TH STREET) FROM T.H. 52 (ROBERT STREET) EAST TO EAST MINNEHAHA AVENUE.
- T.H. 6—From Jct. T.H. 18 to east Jct. T.H. 210.
- T.H. 7—From Jct. T.H. 12 east to Jct. T.H. 15.  
FROM T.H. 15 TO JCT. I-494.  
From Jct. I-494 to Jct. T.H. 100.
- T.H. 8—From Jct. I-35 to east state line (St. Croix River).
- T.H. 9—From Jct. T.H. 29 to Jct. T.H. 59.  
From Jct. T.H. 200 to Jct. T.H. 2  
(Effective August 3, 1981).
- T.H. 10—FROM WEST STATE LINE TO BECKER COUNTY C.S.A.H. 10 (FRAZEE).  
From C.S.A.H. 10 Becker County (Frazee) to Jct. T.H. 47 (Anoka).  
FROM JCT. T.H. 47 TO JCT. I-694.
- T.H. 11—From Jct. T.H. 32 to Baudette.
- T.H. 12—From west state line to north Jct. T.H. 7 (Ortonville).  
From Jct. T.H. 59 to Jct. T.H. 100.  
FROM T.H. 280 TO WISCONSIN.
- T.H. 13—From Jct. I-90 (Albert Lea) to Jct. T.H. 60.  
From Jct. T.H. 282 northeast to Jct. T.H. 101.  
FROM JCT. T.H. 101 TO I-35W.
- T.H. 14—From Jct. T.H. 75 to 2 miles west of I-35 (24th Avenue N.W.).  
FROM 24TH AVENUE NORTHWEST TO I-35 IN OWATONNA.  
From Jct. I-35 to Jct. T.H. 218 (Havana).  
From Jct. T.H. 56 to Jct. T.H. 57 (Kasson).  
FROM JCT. T.H. 57 (KASSON) TO EAST ROCHESTER CITY LIMITS.  
From Jct. T.H. 74 (St. Charles) to Jct. T.H. 61.
- T.H. 15—From Fairmont to Jct. T.H. 257.  
From Jct. T.H. 14 to Jct. T.H. 19.
- T.H. 16—From Jct. I-90 to east Jct. T.H. 52.  
From Jct. T.H. 44 to Jct. T.H. 61.
- T.H. 18—From Jct. T.H. 210 to north Jct. T.H. 169.  
From south Jct. T.H. 47 to north Jct. T.H. 47.  
From Finlayson to east Jct. T.H. 23.
- T.H. 19—From South Dakota State Line to Jct. T.H. 75.  
From Lyon Co. Rd. 7 to Jct. T.H. 22.
- T.H. 21—From south Jct. T.H. 13 to Jct. 169.
- T.H. 22—From Jct. T.H. 109 to Jct. T.H. 14.  
From Jct. T.H. 212 to Jct. T.H. 55.
- T.H. 23—From Jct. T.H. 269 to T.H. 55.  
FROM T.H. 55 IN PAYNESVILLE TO I-94.  
From Jct. I-94 to south Jct. I-35.  
From north Jct. I-35 to Askov.

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## PROPOSED RULES

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- T.H. 24—From Jct. I-94 to Jct. T.H. 10.
- T.H. 25—From south Jct. T.H. 5 to Norwood.  
FROM I-94 TO SHERBURNE COUNTY C.S.A.H. 11.  
From Sherburne C.S.A.H. 11 to north Jct. T.H. 10.  
From Jct. T.H. 18 to Merrifield.
- T.H. 27—From Jct. T.H. 75 to Jct. T.H. 9.  
From Jct. T.H. 29 to Jct. T.H. 127.  
From south Jct. T.H. 71 to Jct. T.H. 25.  
From north Jct. T.H. 47 to Jct. T.H. 65.  
From I-35 to Jct. T.H. 73 (Moose Lake).
- T.H. 28—From west state line to south Jct. T.H. 9.  
From Morris to Cyrus.  
FROM 5TH STREET NORTHWEST IN GLENWOOD TO JCT. I-94.
- T.H. 29—From Jct. T.H. 212 to Jct. T.H. 7.  
FROM JCT. I-94 TO ITS NORTH JCT. WITH T.H. 27 (ALEXANDRIA).
- T.H. 30—From Jct. T.H. 75 to north Jct. T.H. 59.  
From Jct. T.H. 4 to south Jct. T.H. 15.  
From Ellendale to Jct. I-35.
- T.H. 32—From Jct. T.H. 59 to Jct. T.H. 11.
- T.H. 33—From Jct. I-35 to Jct. T.H. 53.
- T.H. 34—From Osage to Jct. T.H. 371.
- I-35 —CONTINUOUS FROM IOWA BORDER TO 1.0 MILE NORTH OF JCT. WITH I-535 IN DULUTH.  
INCLUDES I-35W and I-35E FROM DOWNTOWN ST. PAUL TO VICINITY OF FOREST LAKE.
- T.H. 36—FROM JCT. I-35W TO SOUTH JCT. T.H. 95 NEAR STILLWATER.  
From south Jct. T.H. 95 to Water St. in Stillwater.
- T.H. 37—From Jct. T.H. 53 to Jct. T.H. 135.
- T.H. 40—From west state line to Jct. T.H. 75.
- T.H. 41—From Jct. T.H. 169 to Jct. T.H. 212.  
From Jct. T.H. 5 to Jct. T.H. 7.
- T.H. 44—From west Jct. T.H. 52 to Jct. T.H. 16.
- T.H. 45—From Jct. T.H. 210 (Carlton) to Jct. T.H. 33 (Cloquet).
- T.H. 47—FROM 2 MILES SOUTH OF JCT. I-694 TO JCT. T.H. 10 IN ANOKA.  
From south Jct. T.H. 27 to north Jct. T.H. 18.
- T.H. 51—FROM I-94 TO I-694.  
FROM WEST 7TH STREET IN ST. PAUL TO I-94 (SNELLING AVENUE FROM I-94 TO MONTREAL AVENUE, THEN MONTREAL AVENUE FROM SNELLING AVENUE TO WEST 7TH STREET).
- T.H. 52—From south state line to I-90.  
FROM JCT. I-90 TO OLMSTED COUNTY ROAD 14, 5 MILES NORTH OF WEST JCT. T.H. 14 IN ROCHESTER.  
From Olmsted County Road 14 to South Jct. T.H. 55.  
FROM SOUTH JCT. T.H. 55 TO NORTH JCT. T.H. 55.  
From north Jct. T.H. 55 to Plato Blvd.  
FROM PLATO BLVD. TO WEST CITY LIMITS OF ST. PAUL.  
FROM JCT. T.H. 100 TO JCT. I-94.
- T.H. 53—From Jct. I-35 (Duluth) to south Jct. T.H. 169 (Virginia).
- T.H. 55—From Jct. T.H. 29 to Brooten.  
FROM 6.5 MILES WEST OF JCT. T.H. 71 (BROOTEN) TO JCT. T.H. 23.  
From Jct. T.H. 23 to Jct. T.H. 22.  
FROM JCT. T.H. 22 (EDEN VALLEY) TO OAK LAKE AVENUE.  
FROM EAST 24TH STREET IN MINNEAPOLIS TO JCT. T.H. 61.



- T.H. 56—From Adams to Jct. T.H. 30.  
From Randolph to south Jct. T.H. 55.  
FROM SOUTH JCT. T.H. 55 TO NORTH JCT. T.H. 55.  
From north Jct. T.H. 55 to Jct. T.H. 3.
- T.H. 57—From Jct. T.H. 14 to Jct. T.H. 60.
- T.H. 58—(Plum St. in Red Wing) from T.H. 63 to T.H. 61.
- T.H. 59—From south Jct. T.H. 30 to Jct. T.H. 23.  
From Jct. T.H. 67 to Jct. T.H. 12.  
From south Jct. T.H. 9 to north Jct. T.H. 28.  
FROM SOUTH JCT. I-94 TO SHERIDAN AVENUE IN FERGUS FALLS.  
In Fergus Falls from Sheridan Avenue to north Jct. T.H. 210.  
FROM NORTH JCT. I-94 TO JCT. T.H. 10.  
From Jct. T.H. 10 to Jct. T.H. 2.  
From Jct. T.H. 1 to north state line.
- T.H. 60—From south state line to east Jct. T.H. 14.  
From Jct. T.H. 57 to north Jct. T.H. 52.
- T.H. 61—From Jct. T.H. 16 to I-90.  
FROM NORTH JCT. I-90 TO 1 MILE NORTH OF T.H. 60 AT WABASHA.  
From 150' east of Potter St. to Dakota St. in Red Wing.  
FROM HASTINGS TO JCT. I-94.  
FROM JCT. T.H. 5 (EAST 7TH STREET) TO SOUTH JCT. T.H. 96.  
From south Jct. T.H. 96 to Jct. T.H. 8.  
FROM END OF I-35 (DULUTH) TO LAKE COUNTY ROAD 2 (TWO HARBORS).
- T.H. 63—FROM JCT. WITH I-90 TO JCT. T.H. 52.  
From T.H. 58 in Red Wing to Wisconsin State Line.
- T.H. 65—FROM SOUTH JCT. I-35 (SOUTH OF ALBERT LEA) TO 2.3 MILES NORTH.  
From 2.3 miles north of south Jct. I-35 to north Jct. I-35.  
From Jct. I-694 to south Jct. T.H. 27.  
From Pengilly to north Jct. T.H. 169.
- T.H. 67—From Echo to Jct. T.H. 68.
- T.H. 68—From Taunton to Milroy.  
From Wabasso to Jct. T.H. 71.  
From Jct. T.H. 67 to north Jct. T.H. 15.
- T.H. 71—From Jackson to Jct. I-94.  
FROM JCT. I-94 NORTH TO NORTH 4TH STREET IN SAUK CENTRE.  
From Jct. 4th Street North in Sauk Centre to Browerville.  
From Jct. T.H. 10 to Jct. T.H. 34.  
From Jct. T.H. 2 to Jct. T.H. 72 in Blackduck.
- T.H. 73—From Jct. I-35 to Jct. T.H. 27 (Moose Lake).  
From south Jct. T.H. 169 to north Jct. T.H. 169 (Hibbing).
- T.H. 74—FROM JCT. I-90 NORTH TO JCT. T.H. 14 IN ST. CHARLES.
- T.H. 75—From south state line to Canadian border.
- T.H. 79—From Elbow Lake to I-94.
- T.H. 87—From south Jct. T.H. 71 to north Jct. T.H. 71.
- T.H. 89—From Jct. T.H. 2 to south Jct. T.H. 1

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## PROPOSED RULES

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- I-90 —FROM WEST BORDER TO EAST BORDER.
- T.H. 91—From Iowa State Line to Ellsworth.
- T.H. 92—From Jct. T.H. 222 to Jct. T.H. 2  
(Effective August 3, 1981).
- I-94 —CONTINUOUS FROM NORTH DAKOTA BORDER TO I-694 EAST OF ST. PAUL (INCLUDES YET TO BE CONSTRUCTED SEGMENT AT LYNDALE AVENUE LOCATION IN MINNEAPOLIS).
- T.H. 95—From Jct. T.H. 169 to Jct. CSAH 30 in North Branch (Old T.H. 61).  
From Laurel St. to north Jct. T.H. 36 in Stillwater.  
FROM SOUTH JCT. T.H. 36 TO JCT. T.H. 12.
- State —From Jct. T.H. 95 to Washington County Rd. 28.  
Prison  
Entrance
- T.H. 96—From Jct. I-35W to Jct. T.H. 61.
- T.H. 100—FROM I-494 TO I-94.
- T.H. 101—FROM JCT. T.H. 13 TO JCT. T.H. 169 IN SHAKOPEE.  
From south Jct. T.H. 169 to Jct. T.H. 212 and 169.  
From Jct. T.H. 152 to Jct. CSAH 150 (Rogers).  
FROM JCT. CSAH 150 (ROGERS) TO JCT. T.H. 169 (ELK RIVER).
- T.H. 109—From Jct. T.H. 22 to Jct. I-90.
- T.H. 110—FROM JCT. T.H. 55 TO T.H. 56.
- T.H. 112—From T.H. 93 to Jct. CSAH 36 (2nd St.) in LeSueur—(Temporary Route).
- T.H. 127—From Jct. I-94 to Jct. T.H. 27.
- T.H. 135—From Jct. T.H. 53 to Aurora.
- T.H. 149—From Jct. T.H. 3 to North Jct. T.H. 55.
- T.H. 152—FROM 49TH AVE. N. TO I-94.  
FROM JCT. T.H. 169 (OSSEO) TO JCT. T.H. 101 (DAYTON).
- T.H. 169—From south state line to Jct. T.H. 21 (Jordan).  
FROM JCT. T.H. 21 (JORDAN) TO SOUTH JCT. T.H. 101 (SHAKOPEE).  
From south Jct. T.H. 101 to Jct. I-494.  
FROM JCT. I-494 TO NORTH JCT. T.H. 152 (OSSEO).  
From north Jct. T.H. 152 to Jct. T.H. 23.  
From south Jct. T.H. 27 to west Jct. T.H. 210.  
From Jct. T.H. 200 to south Jct. T.H. 53.
- T.H. 175—From west state line to Jct. T.H. 59.
- T.H. 200—From west state line to Jct. T.H. 9.  
From north Jct. T.H. 371 to south Jct. T.H. 371.
- T.H. 201—From Jct. T.H. 10 to Jct. T.H. 169 (Elk River).
- T.H. 210—FROM JCT. I-94 EAST TO ST. ANDREWS STREET SOUTH IN FERGUS FALLS.  
In Fergus Falls from St. Andrews Street South to Sheridan Avenue.  
From west Jct. T.H. 10 to I-35.
- T.H. 212—From west state line to Carver County Road 10 (Walnut Street—Chaska).  
From Jct. T.H. 101 to Jct. I-494.
- T.H. 218—From south state line to 1¼ miles south of Jct. I-90.  
FROM 1¼ MILES SOUTH OF I-90 TO EAST JCT. I-90.  
FROM WEST JCT. I-90 TO 2 MILES NORTH.  
From 2.0 miles north of Jct. I-90 to Jct. T.H. 14.
- T.H. 219—From Jct. T.H. 1 to Goodridge (Effective August 3, 1981).
- T.H. 222—From Jct. T.H. 92 to Oklee (Effective August 3, 1981).

- T.H. 226—From Jct. T.H. 34 into Dorset.  
T.H. 231—From west state line to I-94 (Moorhead).  
T.H. 242—(Main Street) from T.H. 10 to 9th Avenue (in Anoka).  
T.H. 263—From I-90 to Jct. C.S.A.H. 26 (Old T.H. 16).  
T.H. 267—From Iona to Jct. T.H. 30 (Temporary Route).  
T.H. 268—From Jct. T.H. 75 into Edgerton.  
T.H. 270—From Hills to Jct. T.H. 75.  
T.H. 273—From Jct. T.H. 19 to Belview.  
T.H. 275—From Boyd to Jct. T.H. 212.  
T.H. 280—FROM JCT. I-94 TO JCT. T.H. 36.  
T.H. 282—From Jct. T.H. 169 to Jct. T.H. 13.  
T.H. 322—From Jct. T.H. 371 to Jct. T.H. 18.  
T.H. 324—FROM I-35 TO ITS JCT. WITH T.H. 361 IN PINE CITY.  
T.H. 329—From T.H. 59 for ¼ mile east into University of Morris experimental station.  
T.H. 361—From I-35 to Jct. T.H. 324 (Pine City).  
T.H. 371—From Jct. T.H. 10 to Jct. T.H. 2.  
I-494 —FROM JCT. I-94 (FISH LAKE) TO EAST JCT. T.H. 5 AT TWIN CITY INTERNATIONAL AIRPORT.  
FROM T.H. 56 TO JCT. I-94 EAST OF ST. PAUL.  
I-535 —IN DULUTH FROM I-35 TO WISCONSIN.  
I-694 —FROM WEST JCT. I-94 (BROOKLYN CENTER) TO EAST JCT. I-94 EAST OF ST. PAUL.

#### City Streets

- Albert Lea —MARGARETHA AVENUE FROM T.H. 65 SOUTH TO 13TH STREET AND 13TH STREET EAST TO ITS TERMINI.  
Anoka —(MSAS) 9th Avenue from T.H. 242 to Hoffman Engineering.  
(MSAS) Tyler Street from 7th Avenue to Federal Cartridge.  
Blaine —85TH AVENUE FROM I-35W TO 3601 (TRUCK TERMINAL IN THE CITY OF BLAINE).  
Brainerd —North and South 4th Street from Washington Street to Laurel Street.  
Laurel Street from South 4th Street to East River Road.  
Burnsville —122nd Street from Jct. I-35W to Dupont Avenue.  
Dupont Avenue from 122nd Street to south Jct. Lady Bird Lane.  
Cyrus —From 2 blocks south of Jct. T.H. 28 and CSAH 3 on Dahl Street to T.H. 28.  
Detroit Lakes—RANDOLPH ROAD FROM GABOR TERMINAL TO ROOSEVELT AVENUE; THEN ROOSEVELT AVENUE SOUTH TO T.H. 10.  
Faribault —2nd Avenue N.W. from Trunk Highway 60 north to Trunk Highway 3 (20th Street N.W.).  
Fergus Falls—DOUGLAS AVENUE FROM T.H. 59 TO T.H. 210.  
SHERIDAN AVENUE FROM T.H. 59 AND 210 NORTH, TO WASHINGTON AVENUE, WEST ON WASHINGTON AVENUE ONE BLOCK TO SHERMAN STREET, THEN SOUTH ONE BLOCK ON SHERMAN STREET TO JUNIUS AVENUE.  
FROM T.H. 210 SOUTH ON ST. ANDREWS STREET TO WEST LINCOLN AVENUE, WEST ON WEST

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## PROPOSED RULES

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LINCOLN AVENUE TO SEWAGE PLANT ROAD, THEN SOUTH ON SEWAGE PLANT ROAD TO CENTRAL BY-PRODUCTS PLANT.

Glenwood —JUNCTION OF T.H. 28 AND MINNESOTA AVENUE TO NORTH LAKESHORE DRIVE, THEN NORTH LAKESHORE DRIVE TO THE WEST CORPORATE LIMITS OF GLENWOOD.

Mankato —3rd Avenue from Brooks Street to Jct. T.H. 14.  
Minneopa Road from Woodland Avenue to Blue Earth River.

\*Minneapolis—ARTHUR STREET N.E. FROM 18TH AVENUE N.E. TO NEW BRIGHTON BOULEVARD (T.H. 88).  
STINSON BOULEVARD FROM 18TH AVENUE N.E. TO BROADWAY STREET N.E.  
I-35W NORTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88).  
I-35W SOUTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88).  
BROADWAY STREET N.E. FROM ARTHUR STREET N.E. TO MINNEAPOLIS EAST CITY LIMITS.  
ARTHUR STREET N.E. FROM SUMMER STREET N.E. TO BROADWAY STREET N.E.  
TAFT STREET N.E. FROM KENNEDY STREET N.E. TO BROADWAY STREET N.E.  
INDUSTRIAL BOULEVARD N.E. FROM BROADWAY STREET N.E. TO I-35W.  
NEW BRIGHTON BOULEVARD FROM I-35W NORTH FRONTAGE ROAD TO SOUTH FRONTAGE ROAD.  
T.H. 55 (HIAWATHA AVENUE) FROM EAST 24TH STREET TO MINNEAPOLIS SOUTH CITY LIMITS.  
CEDAR HIGHWAY FROM EAST 24TH STREET TO MINNEHAHA AVENUE.  
CEDAR AVENUE FROM I-94 EXIT RAMP TO MINNEHAHA AVENUE.  
MINNEHAHA AVENUE FROM I-94 TO EAST 26TH STREET.  
EAST 26TH STREET FROM MINNEHAHA AVENUE TO 26TH AVENUE SOUTH.  
26TH AVENUE SOUTH FROM EAST 26TH STREET TO EAST 27TH STREET.  
EAST 24TH STREET FROM MINNEHAHA AVENUE TO CEDAR AVENUE.  
WASHINGTON AVENUE SOUTH FROM 42ND AVENUE NORTH TO 10TH AVENUE NORTH, AND FROM 10TH AVENUE SOUTH TO 14TH AVENUE SOUTH (I-35W).  
OAK LAKE AVENUE FROM OLSON HIGHWAY TO 10TH AVENUE NORTH.  
10TH AVENUE NORTH FROM OAK LAKE AVENUE TO WASHINGTON AVENUE NORTH.  
10TH AVENUE SOUTH FROM WASHINGTON AVENUE NORTHERLY TO END.  
DOWLING AVENUE NORTH FROM WASHINGTON AVENUE TO END.  
LYNDALE AVENUE NORTH FROM 42ND AVENUE NORTH TO NORTH CITY LIMITS.  
49TH AVENUE NORTH FROM JAMES AVENUE NORTH TO WEST CITY LIMITS.  
MARSHALL STREET N.E. FROM BROADWAY STREET N.E. TO EAST RIVER ROAD.  
EAST RIVER ROAD FROM MARSHALL STREET N.E. TO NORTH CITY LIMITS.  
UNIVERSITY AVENUE N.E. FROM LOWRY STREET N.E. TO NORTH CITY LIMITS.  
LOWRY STREET N.E. FROM MARSHALL STREET N.E. TO 6TH STREET N.E.  
KASOTA AVENUE S.E. FROM ELM STREET TO EAST CITY LIMITS.  
ELM STREET S.E. FROM KASOTA AVENUE TO 17TH AVENUE S.E.  
17TH AVENUE S.E. FROM ELM STREET TO ROLLINS AVENUE S.E.  
ROLLINS AVENUE S.E. FROM 17TH AVENUE TO 15TH AVENUE S.E.  
UNIVERSITY AVENUE S.E. FROM 25TH AVENUE S.E. TO EAST CITY LIMITS.

\*Denotes a ¼ mile deviation from the following listed routes as long as posted bridges are not utilized.

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## PROPOSED RULES

- Moorhead —1ST AVENUE NORTH FROM 8TH STREET TO T.H. 10.
- Morris —Pacific Avenue From T.H. 59 to Park Avenue.
- New Ulm —Front Street from 8th Street North to Center Street, then Center Street from Front Street to Valley Street, then South Valley Street from Center Street to First Street South.
- Owatonna —Park Drive from County Road 75 (24th Avenue N.W.) to Railroad Tracks.
- Pine City —SEVENTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE WEST, FROM 4TH AVENUE WEST TO 3RD AVENUE WEST, FROM 2ND AVENUE WEST TO RIVER.  
FOURTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE EAST, 5TH AVENUE EAST TO 3RD AVENUE EAST.  
THIRD STREET FROM 3RD AVENUE EAST TO RIVER.  
SECOND STREET FROM 3RD AVENUE EAST TO 2ND AVENUE EAST.  
FIRST AVENUE EAST FROM CSAH 61 TO RAILROAD TRACKS.  
SECOND AVENUE WEST FROM 7TH STREET TO CSAH 61.  
SECOND AVENUE EAST FROM CSAH 61 TO SECOND STREET.  
THIRD AVENUE WEST FROM 7TH STREET TO CSAH 61.  
THIRD AVENUE EAST FROM CSAH 61 TO 2ND STREET.  
FOURTH AVENUE WEST FROM 7TH STREET TO CSAH 61.  
EIGHTH AVENUE WEST FROM 7TH STREET TO CSAH 61.  
EIGHTH AVENUE EAST FROM CSAH 61 TO 4TH STREET.  
HILLSIDE AVENUE FROM CSAH 61 TO FOURTH STREET.
- Red Wing —Potter Street from T.H. 61 north to elevator.  
Plum Street from T.H. 61 to ½ block north.  
Broad Street from T.H. 61 to Levee Road.  
Levee Road from Broad Street to elevator entrance.  
Dakota Street from T.H. 61 to elevator entrance.
- Rose Creek —3rd Street.
- St. Cloud —Roosevelt Road from Jct. T.H. 23 to south city limits.
- St. Paul —DALE STREET FROM GRAND AVENUE TO LARPENTEUR AVENUE.  
PLATO BOULEVARD FROM WATER STREET TO FILLMORE AVENUE.  
CHESTER STREET FROM T.H. 3 TO PLATO BOULEVARD.  
NORTH CLEVELAND AVENUE FROM UNIVERSITY AVENUE SOUTH TO WABASH AVENUE, THEN WABASH AVENUE ON NORTH CLEVELAND TO VANDALIA STREET, THEN VANDALIA STREET TO I-94.  
EAST SEVENTH STREET FROM EAST MINNEHAHA AVENUE TO ATLANTIC STREET, THEN ATLANTIC STREET NORTH TO RAILROAD TRACKS.  
WACOUTA STREET FROM I-94 TO FIFTH STREET, THEN FIFTH STREET FROM WACOUTA STREET TO BROADWAY.  
SHEPARD ROAD FROM T.H. 5 TO WARNER ROAD. THEN WARNER ROAD FROM ITS INTERSECTION WITH SHEPARD ROAD TO T.H. 61.  
FROM T.H. 5 (WEST 7TH STREET) TO EAGLE STREET VIA RAMSEY STREET (GRAND AVENUE), SHERMAN STREET AND EXCHANGE STREET.

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## PROPOSED RULES

KELLOGG BOULEVARD RAMP FROM EAGLE STREET TO WASHINGTON STREET.  
KELLOGG BOULEVARD FROM WASHINGTON STREET TO T.H. 61 (MOUNDS BOULEVARD).  
ELWAY STREET FROM SHEPARD ROAD TO MONTREAL AVENUE. THEN MONTREAL AVENUE  
FROM ELWAY STREET TO STEWART AVENUE. THEN STEWART AVENUE TO TEXACO  
TERMINAL.  
MINNEHAHA AVENUE WEST FROM DALE STREET TO ARUNDEL STREET.  
OTTO AVENUE FROM SHEPARD ROAD TO WEST 7TH STREET.  
WHITE BEAR AVENUE FROM I-94 TO EAST MINNEHAHA AVENUE.  
EAST MINNEHAHA AVENUE FROM WHITE BEAR AVENUE TO BIRMINGHAM STREET.  
CHILDS ROAD FROM WARNER ROAD TO THE SOUTHERLY LIMITS OF CHILDS ROAD.  
MOUNDS BOULEVARD FROM I-94 TO EAST SEVENTH STREET.  
SNELLING AVENUE (T.H. 51).

Sauk Centre—4th Street north from T.H. 71 to 331 North 4th Street.

Wells —Boardway Avenue from T.H. 109 south to 7th Street S.E.

Worthington—Oxford Street from T.H. 60 to T.H. 266.

### County Roads

Anoka —CSAH 23 (Naples Street) from CSAH 32 to County Road 105.  
County Road 102 (57th Avenue) from T.H. 47 to Main Street (County Road 102).  
County Road 102 (Main Street) from 57th Avenue to CSAH 2 (44th Avenue).  
CSAH 32 (85TH AVENUE) FROM 3601 85TH AVENUE TO 3701 85TH AVENUE.  
CSAH 7 (7th Avenue) from T.H. 10 to Tyler Street (in Anoka).  
T.H. 242 (Main Street) from T.H. 10 to 9th Avenue (in Anoka).

Becker —CSAH 10 CONNECTIONS TO T.H. 10.  
CSAH 10 from T.H. 10 west of Frazee to T.H. 10 east of Frazee.

Carlton —CSAH 1 from Jct. T.H. 210 (Carlton) to Conoco Refinery (Wrenshall).

Clay —CSAH 11 FROM T.H. 10 TO TRUCK STOP ½ MILE SOUTH OF I-94.  
CSAH 52 FROM JCT. T.H. 9 (BARNESVILLE) TO JCT. I-94 (MOORHEAD).

Douglas —CSAH 41 FROM I-94 TO ITS JCT. WITH CSAH 82.  
CSAH 82 FROM CSAH 41 TO ITS JCT. WITH T.H. 29 IN ALEXANDRIA.

Freeborn —CSAH 26 from Milwaukee Railroad Tracks to Jct. I-90.  
CSAH 31 from Railroad Tracks to Jct. I-35.

Hennepin —CSAH 1 (OLD SHAKOPEE ROAD) —FROM NESBITT AVENUE TO I-35W  
CSAH 3 (EXCLESIOR BLVD.) —FROM CSAH 18 TO T.H. 100.  
CSAH 10 (BASS LAKE ROAD) —FROM I-494 TO CSAH 156.  
CSAH 15 (SHORELINE BLVD.) —FROM CSAH 110 TO CSAH 19.  
CSAH 18 —FROM I-494 TO T.H. 7.  
CSAH 18 —FROM CSAH 10 TO I-94.  
CSAH 19 —FROM T.H. 7 TO CSAH 15.  
CSAH 20 (BLAKE ROAD) —FROM CSAH 3 TO T.H. 7.  
CSAH 34 (NORMANDEALE BLVD.) —FROM CSAH 1 (OLD SHAKOPEE ROAD)  
TO I-494.  
CSAH 109 (85TH AVENUE NORTH) —FROM CSAH 18 TO T.H. 52.  
CSAH 156 (WINNETKA AVENUE) —FROM CSAH 9 TO CSAH 10.

- Martin —CSAH 50 from CSAH 52 to Jct. T.H. 16.  
CSAH 52 from 2nd Street West in Truman to CSAH 50.
- McLeod —CSAH 9 from Plato to T.H. 212.  
CSAH 21 from North County Line to Winsted.  
County Road 81 in Glencoe.
- Pine —CSAH 61 FROM JCT. OF T.H. 361 AND T.H. 324 TO ITS JCT. WITH CSAH 11 IN PINE CITY.  
COUNTY ROAD 55 FROM CSAH 61 TO INDUSTRIAL PARK—PINE CITY.  
CSAH 8 FROM CSAH 61 TO EAST 2ND STREET.
- Ramsey —COUNTY ROAD D (CSAH 19) FROM OLD T.H. 8 TO I-35W.  
OLD HIGHWAY 8 (CSAH 77) FROM COUNTY ROAD D TO FIRST STREET SOUTHWEST.  
CLEVELAND AVENUE (CSAH 46) FROM COUNTY ROAD C TO COUNTY ROAD C-2.  
COUNTY ROAD C (CSAH 23) FROM WEST COUNTY LINE TO PRIOR AVENUE.  
COUNTY ROAD J (CSAH 1) (OR 85TH AVENUE N.E., ANOKA COUNTY CSAH 32) FROM I-35 TO 3701  
85TH AVENUE N.E.
- \*Redwood —CSAH 7 from Seaforth to Jct. T.H. 19.  
CSAH 1 and 16 from Clements to Jct. T.H. 71.  
CSAH 4 and 17 from Wanda to Jct. T.H. 71.  
CSAH 6 and 9 from Delhi to Jct. T.H. 19.  
CSAH 25 and 100 from west Jct. C. & N.W. Ry. in North Redwood to south Jct. C. & N.W. Ry.  
CSAH 10 and 30 from Lucan to Jct. T.H. 19.  
CSAH 101 from North Redwood to Jct. T.H. 19.  
CR 70 from Rowena to Jct. T.H. 71.  
CR 80—entire segment.
- \*These are seasonally restricted 10 ton routes. Effective period to carry the increased weights is from July 15th each year until the following springload restrictions go into effect.
- Sherburne —CSAH 11 from T.H. 25 to T.H. 10.
- Stearns —CSAH 75 from west Jct. I-94 to Jct. T.H. 23 in Waite Park.  
CSAH 75 from south city limits of St. Cloud to Jct. I-94 near St. Augusta.
- Steele —CSAH 1 (North Street) from CSAH 45 (Hoffman Drive) east to CSAH 1 (North Cedar) in Owatonna.  
CSAH 1 (North Cedar) from CSAH 1 (North Street) north to 11th Street in Owatonna.  
CSAH 8 (Grove Street) from CSAH 19 (Rose Street) north and east to Cherry Street in Owatonna.  
CSAH 9 from I-35 Exit #45 east to CSAH 45.  
CSAH 19 (Rose Street) from CSAH 45 (Hoffman Drive) east to CSAH 8 (Grove Street) in Owatonna.  
CSAH 25 (Bridge Street) from CR 75 (24th Avenue N.W.) east to I-35 in Owatonna.  
CSAH 34 from I-35 Exit #43 east to CSAH 45.  
CSAH 45 (Hoffman Drive in Owatonna) from North Steele County Line to T.H. 14.  
CSAH 45 (Cedar and Oak Streets) from T.H. 218 and 14 Exit North to Pearl Street in Owatonna.  
CSAH 45 (Hoffman Drive) from T.H. 14 in Owatonna south to CSAH 19 (Rose Street).

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## PROPOSED RULES

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- CSAH 48 (Main Street) from T.H. 218 and 14 north and west to CSAH 45 (Oak Avenue) in Owatonna.  
CR 75 (24th Avenue N.W.) from T.H. 14 south to CSAH 25 (Bridge Street) in Owatonna.
- Stevens —CSAH 13 Chokio only.  
CSAH 9 Alberta only.  
CSAH 8 from CSAH 1 to Jct. T.H. 9 (Hancock).
- Traverse —CSAH 4 Browns Valley only.  
CSAH 100 from 12th Street to Jct. T.H. 75.
- Waseca —CSAH 3 from Waldorf to Jct. T.H. 14.  
CSAH 9 from west county line to CSAH 3.  
CSAH 12 from CSAH 1 to T.H. 13.  
CSAH 2 from County Road 53 to T.H. 14.  
CSAH 53 from CSAH 2 to CSAH 5.  
CSAH 5 from County Road 53 to CSAH 30.  
CSAH 30 from CSAH 5 to T.H. 13.
- Washington —CSAH 21 from CSAH 28 to CSAH 23.  
CSAH 22 FROM T.H. 61 TO JCT. WITH CSAH 38.  
CSAH 23 from CSAH 21 to Lookout Trail North (T.H. 36).  
CSAH 38 FROM JCT. WITH CSAH 22 TO JCT. WITH I-494.  
CSAH 28 from State Prison entrance road to CSAH 21.
- Winona —County Road 23 from Jct. T.H. 14 to the Jct. T.H. 61 (Minnesota City).

June 29, 1981

Richard P. Braun  
Commissioner of Transportation



# 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.

## Waste Management Board

### Adopted Rules Governing Operating Procedures

The rules published and proposed at *State Register*, Volume 5, Number 39, pp. 1543-1548, March 30, 1981 (5 S.R. 1543) are now adopted, with the following amendments.

#### Rules as Adopted

##### 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.

##### 6 MCAR § 8.002 Definitions.

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.~~

##### 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 § 2.0112A.

##### 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 f~~ Findings and conclusion. 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. If the Board finds none of the proposed statements of findings and conclusions to be submitted to the Board are not acceptable, the Board shall direct the staff to prepare additional findings and conclusions. Rejection of the existing proposed findings and conclusions shall be considered in interim decision. A final decision on the matter shall be made after the Board has accepted adopted a statement of findings and conclusions. 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 to a matter at least ten (10) days prior to the Board meeting at which the Board intends to announce its decision or order.

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

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## ADOPTED RULES

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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 person who have 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 three 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 three days after the final decision on a matter 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. 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 which affected the outcome of a 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, provided that the Hearing Examiner may permit service of the notice less than 30 days prior to the rehearing.

### 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 reasonably 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 § 8.014 Reimbursement for out-of-state Travel

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

## SUPREME COURT

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### Decisions Filed Thursday, July 2, 1981

51819 United States Fire Insurance Company, et al., Appellants, Marquette National Bank of Minneapolis, et al., Appellants, Mid America State Bank of Highland Park, et al., Appellants, v. Minnesota State Zoological Board, et al. Hennepin County.

Under Minnesota constitutional and statutory provisions, no contractual obligation to pay money may be incurred by the state unless there is a valid appropriation to fund the contractual agreement.

Creditors of a state agency, whose constitutional obligations are not funded by valid appropriations, cannot be denied their nonpayment remedies under the contract.

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## STATE CONTRACTS

Equitable relief will be denied when there is a valid contract between the parties and when the granting of such relief would circumvent constitutional and statutory provisions.

A contract is not unconstitutionally impaired when the legislature has declined to appropriate money to fund an agreement with a state agency, if the agreement was not covered by an appropriation when entered.

Affirmed in part; reversed in part; and remanded to the district court for further proceedings consistent with this opinion. Todd, J.

**50916/Sp. Blaine Mobile Manor, Inc., v. Investors Syndicate of America, Inc., et al., Appellants. Hennepin County.**

The trial court properly determined the intent of the parties to a "participation" provision in a mortgage note, but errors in computing amounts overpaid pursuant to the provision require remanding for modification of the judgment.

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

**51502/Sp. Gary Lynn Goodwin, petitioner, Appellant, v. State of Minnesota, et al. Hennepin County.**

District court was justified in determining that absolute discharge of petitioner from his commitments as a youthful offender under the circumstances would be "dangerous to the public."

Affirmed. Yetka, J.

**51317/Sp. Robert W. Winchester, petitioner, v. The Commissioner of Public Safety for the State of Minnesota, Appellant. Hennepin County.**

Where a hearing request is not filed within the 30-day period preceding the revocation of a driver's license pursuant to Minn. Stat. § 169.123, subd. 5 (1980), a trial court has no jurisdiction to order a pre-revocation hearing under section 169.123, subd. 6, but may order a post-revocation hearing under section 171.19.

Reversed. Wahl, J.

## Decision Filed Monday, June 29, 1981

**81-282/Sp. In the Matter of the Welfare of Joseph Nathan Givens. Hennepin County.**

Juvenile court was justified in certifying juvenile for adult prosecution when state established un rebutted prima facie case pursuant to Minn. Stat. § 260.125, subd. 3 (1980).

Affirmed and remanded for trial. Sheran, C. J.

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## 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.

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### Department of Commerce Office of Consumer Services

#### Notice of Request for Proposals for Cost of Service and Rate Design Studies

Kris Sanda, Director, Office of Consumer Services, Department of Commerce, is soliciting proposals from qualified consultants to perform an analysis of cost of service and rate design in connection with Minnesota Power and Light Company's proposal to increase its rates by \$37.1 million. The matter is currently before the Minnesota Public Utilities Commission.

Final submission date: August 7, 1981  
Estimated Cost: \$20,000

## STATE CONTRACTS

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

David B. Chein, Research Analyst  
Office of Consumer Services  
Residential Utility Consumer Unit  
162 Metro Square Building  
St. Paul, Minnesota 55101

## Department of Corrections

### Notice of Request for Proposals to Provide Advocacy and Education for Battered Women

Notice is hereby given that the Department of Corrections intends to engage the services of grantees to provide direct advocacy and education programs for battered women in the Black, Hispanic and American Indian communities.

The estimated amount of the grant in each of these areas will not exceed \$42,000 each for the Black and American Indian communities and \$13,000 for the Hispanic community. Responses must be received by July 20, 1981.

Direct inquiries to:

Maggie Arzdorf-Schubbe, Director  
Battered Women's Program  
Minnesota Department of Corrections  
430 Metro Square Building  
St. Paul, Minnesota 55101  
612-296-6463

## Department of Health

### 1981-1983 Special Grants Available for Health Services for Migrant Agricultural Workers

#### Amount, Purpose and Eligibility

The Commissioner of Health is pleased to announce the availability of \$288,000 of state funds to be awarded by the Minnesota Department of Health through extension of existing special grants or new grants to establish, operate, or subsidize clinic facilities and services, including mobile clinics, to furnish health services for migrant agricultural workers and their families in areas of the state in which significant numbers of migrant workers are located. These grants are available to cities, counties, groups of cities or counties, or nonprofit corporations.

#### Effect of Grant Rule

These grants are subject to provisions of Minnesota Department of Health rules 7 MCAR §§ 1.451-1.455.

#### How to Apply for Funds

Letters of Intent to apply for new special grants must be submitted to the Commissioner of Health by July 29, 1981.

Applications for new grants must be completed as provided by Department of Health rule 7 MCAR § 1.452. Application materials are available upon request from the Commissioner of Health.

Five copies of the completed applications must be submitted to the Commissioner of Health by August 15, 1981; letters of intent should be submitted prior to that date. Copies of the application shall also be submitted to the Regional Development Commission and to the Health Systems Agency as required by Department of Health rule 7 MCAR § 1.453. Applications will be considered for approval of funding in accordance with provisions of Department of Health rule 7 MCAR § 1.452. The commissioner will act on these applications within sixty days of receipt.

#### Duration of Funding

Funds for grants for these purposes are available through June 30, 1983; applications for two year funding will be accepted.

## **Higher Education Coordinating Board**

### **Notice of Request for Proposals for Fiscal Consultants to Sell Student Loan Revenue Bonds**

Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to engage the services of a fiscal consultant to provide consultive services regarding the issuance of revenue bonds and assist in the preparation of official statements, and to provide consultive services for the selling of student loan notes to secondary markets for fiscal year 1982 and 1983.

Those interested in receiving requests for proposals should contact:

Arlon J. Hauptert  
Administrative Services Manager  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-9685

Proposals will be accepted until 4:00 p.m. July 27, 1981.

## **Higher Education Coordinating Board**

### **Notice of Request for Proposals for Graphic Arts Illustration and Design**

Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to engage the services of a technical consultant to prepare graphic arts materials on a project by project basis during each of the 1982 and 1983 fiscal years. Proposals, including hourly rate schedules, must be submitted no later than July 24, 1981. The contract is not to exceed \$5,000 per year.

Direct inquiries to:

Higher Education Coordinating Board  
Communications Office  
Suite 400, Capitol Square  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-9684

## **Department of Public Service Utilities Division**

### **Notice of Request for Proposals for Consultant Services in the Area of Electric Rates**

The Department of Public Service of the State of Minnesota is soliciting proposals from qualified consultants to assist it in performing work to be conducted in connection with the petition filed July 2, 1981 from Interstate Power Company for an increase in electric rates.

The consultant will be expected to perform the following tasks:

- A. Aid and assist the department staff in preparation for cross-examination of witnesses for the utility and other intervenors who are testifying regarding costs of capital, capital structure, coverage requirements and other financial issues.
- B. As a member of the department staff assigned to this case, develop and deliver direct testimony in response to the Interstate Power Company's proposal on each issue and present the department's recommendation on the issue.
- C. Be prepared to develop and deliver rebuttal and/or surrebuttal testimony on the same issues, as required.

The estimated cost of this contract is \$15,000.

The due date for proposals is July 31, 1981.

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## STATE CONTRACTS

Direct inquiries to:

Ms. Linda Anthony  
Contract Coordinator  
Minnesota Department of Public Service  
790 American Center Building  
160 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 297-2596

## State University System

### Notice of Request for Proposals for Housing Needs Analysis

The State University System is requesting proposals for preparation of a needs analysis of student housing at Mankato, Moorhead, St. Cloud, and Winona State Universities. The needs analysis will review present housing capabilities, estimate future needs and evaluate the most promising alternatives for meeting those future needs. The requested services are outlined in the Request for Proposal (RFP) Statement of Work. The formal RFP may be requested and inquiries should be directed to:

Elaine Bellew  
Associate Vice Chancellor, Finance  
State University System  
407 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-3071

It is anticipated that the activities to accomplish this needs analysis will not exceed a total cost to the State University System of \$20,000. The deadline for submission of completed proposals will be the close of the working day of August 3, 1981.

## Vermilion Community College

### Notice of Request for Proposals for Exhibit Design

Vermilion Interpretive Center at Vermilion Community College, Ely, Minnesota, is soliciting an exhibit designer for equipping the interior of the Vermilion Interpretive Center. For further information contact Community Resources Development, Box 22, Virginia, Minnesota 55792. Phone Area Code (218) 741-2170.

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## 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.

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## Department of Economic Development Bureau of Business Licenses

### Notice of Intent to Solicit Outside Opinion Concerning Development of Rules Relating to Pre-application Conferences on Business Licenses

Notice is hereby given that the Department of Economic Development is considering development of rules regarding pre-application conferences for business license applicants and business license issuing departments. Those rules would implement procedures to clarify the nature of licensing department interest in a proposed business project, to provide guidance regarding license application and review procedures, to coordinate agency action and data collection, to render written opinions

as to the need for licenses and the conditions to be met by the applicant. Authority for development of these rules is contained in Minn. Stat. § 362.463 (Chapter 342, Laws of 1981).

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

Charles A. Schaffer  
Bureau of Business Licenses  
Minnesota Department of Economic Development  
480 Cedar Street  
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours at (612) 296-0617. All statements of information and comment must be received by September 1, 1981.

Any written material received by this date will become part of the record of any rules hearing held on this subject.

## **Ethical Practices Board**

### **Advisory Opinion #80 Concerning Hennepin County Disclosure Law—Administration**

Approved by the Ethical Practices Board on June 26, 1981

Issued to:

Vernon T. Hoppe, Director  
Property Taxation, Hennepin County  
A606 Government Center  
Minneapolis, MN 55487

#### **Summary**

#80. An individual appointed to fill a vacancy in an elected office in Hennepin County is required to file a statement of economic interest. The Hennepin County Auditor shall require the proper filing of required statements and reports, examine statements and reports which are filed, notify individuals about changes or corrections in filed reports, and secure the proper amendments.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.

## **Office of the Governor**

### **Notice of Appointment of Department Head**

In accordance with Minn. Stat. § 15.06, notice is hereby given of the appointment of Kent E. Eklund as Commissioner of the Department of Energy, Planning and Development effective July 1, 1981.

## **Office of the Governor**

### **Notice of Appointment of Department Head**

In accordance with Minn. Stat. § 15.06, notice is hereby given of the appointment of W. Wesley Cochrane as Temporary Commissioner of the Department of Energy, Planning and Development effective July 1, 1981.

## **Minnesota Pollution Control Agency**

### **Notice of Procedures for Intrinsic Suitability Hearings**

The MPCA is a statutory agency of the State of Minnesota with responsibility for the administration, implementation, and enforcement of the laws and rules of Minnesota relating to air, land and water pollution. The MPCA consists of a nine member citizen board charged with final decision making authority of the agency.

The Director of the MPCA is authorized by statute to carry out the executive and administrative functions of the MPCA. The MPCA staff is supervised by the Director of the MPCA.

## OFFICIAL NOTICES

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Pursuant to Minnesota Laws of 1981, Chapter 352, § 41, each metropolitan county must adopt an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris. No site may be adopted by the county as part of an inventory unless the MPCA certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county.

Pursuant to Minnesota Laws of 1981, Chapter 352, § 14, the Waste Management Board must select six locations in the state as candidate sites for commercial disposal facilities for hazardous waste. No location may be selected as a candidate site unless the MPCA certifies its intrinsic suitability for the use intended.

Pursuant to Minnesota Laws of 1981, Chapter 352, § 36, the Metropolitan Council must select six candidate sites for the disposal of the Metropolitan Waste Control Commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. No site may be selected for candidacy unless the MPCA certifies its intrinsic suitability for the uses intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the Metropolitan Council.

"Intrinsic suitability" of a site means that, based on existing data on the inherent and natural attributes, physical features, and location of the site, there is no known reason why the facility proposed to be located at the site cannot reasonably be expected to qualify for permits in accordance with MPCA rules. MPCA certification of intrinsic suitability must be based on data submitted to the MPCA by the proposing entity and data included in the hearing record and applied against criteria in MPCA rules and any additional criteria developed by the MPCA in effect at the time the proposing entity submits the site for certification.

In summary, the procedure for certification is as follows:

1. The proposing entity submits data relating to the intrinsic suitability of its proposed sites;
2. The director of the MPCA makes a preliminary recommendation as to whether or not the MPCA board should certify the proposed sites as intrinsically suitable;
3. A hearing is held to gather information relevant to the decision on intrinsic suitability.
4. After the hearing, the hearing examiner submits a report to the MPCA board containing findings of fact, conclusions and recommendations on the subject of the hearing.
5. The director of the MPCA makes a final recommendation to the MPCA board regarding the intrinsic suitability of the proposed sites.
6. Other interested persons may also submit written statements, arguments or recommendations to the MPCA board. Such statements or comments must be limited to comments or arguments regarding information already in the hearing record.
7. The MPCA board will make a determination as to the intrinsic suitability of the proposed sites.

The director's recommendations will be based on the data submitted by the proposing entity and applied against criteria adopted by the MPCA. The MPCA staff will not independently verify the data submitted by the proposing entity. The director's recommendations may be revised based on information submitted at the hearing.

A copy of the MPCA criteria for determining intrinsic suitability, the director's recommendation, and the data submitted by the proposing entity will be available for inspection at the time the hearing is noticed. In addition, a report containing the basis for the director's recommendation will be available prior to the hearing. To the extent feasible, such documents may be copied. However, PLEASE BE ADVISED that it may not be possible to copy certain documents, such as large maps.

The purpose of the hearing is to gather information relevant to the decision on intrinsic suitability. The subject of the hearing is limited to the information submitted by the proposing entity and additional information submitted by the public on the intrinsic suitability of the proposed sites. PLEASE BE ADVISED that the hearing will not be a forum to reconsider the MPCA criteria for determining intrinsic suitability, to object to the proposing entity's procedure for selecting proposed sites, or to consider any other factor not directly related to the decision on intrinsic suitability.

PLEASE BE ADVISED THAT this hearing is neither a contested case hearing nor a rulemaking hearing. Therefore, the procedural rules applicable to contested case and rulemaking hearings are inapplicable. Pursuant to Minnesota Laws of 1981, Chapter 352, the hearing is to be conducted in a manner consistent with the completion of the proceedings and the hearing examiner's report to the MPCA in the time allowed by the statute. Therefore, the following procedures shall be followed:

1. The hearing will be opened by the hearing examiner who will explain the hearing procedures.
2. The MPCA staff will then introduce the jurisdictional documents, the MPCA criteria, the director's recommendation, the report containing the basis for the recommendation, and the data submitted by the proposing entity.
3. The MPCA staff will then briefly summarize the basis for the director's recommendations.



4. Members of the public, including the proposing entity, will then be given an opportunity to make oral statements, to offer written documents into the record, or to direct questions to the MPCA staff. Members of the public may be questioned by representatives of the MPCA staff.

5. The hearing examiner may exclude testimony which is irrelevant, immaterial, or unduly repetitious. In addition, the hearing examiner may disallow questioning which is irrelevant, immaterial, unduly repetitious, argumentative, harassing, or adversarial in nature.

6. Pursuant to Minnesota Statutes, Section 624.72 (1980), no person shall interfere with the conduct of, disrupt or threaten interference with or disruption of the hearing. In the event of such interference or disruption or threat thereof, the hearing examiner will take appropriate action.

7. Following the end of the hearing, members of the public, including the proposing entity, will have five working days in which to submit additional documents and comments into the hearing record. Copies of such documents and comments must be submitted to both the hearing examiner and the MPCA staff.

8. Following the five day period discussed above, the MPCA staff will have five working days in which to respond to both public testimony presented at the hearing and subsequent documents submitted into the hearing record. The MPCA staff response will be submitted to both the hearing examiner and the person to whom the response is made.

9. Copies of additional documents submitted by members of the public and MPCA staff responses will be available for inspection at the MPCA offices.

10. No factual information or evidence which is not a part of the hearing record will be considered by the hearing examiner or the MPCA board in the determination of this matter.

11. The hearing examiner will prepare a report approximately two weeks after the date of submittal of the MPCA staff response. The report will contain findings of fact, conclusions and recommendations on the subject of the hearing.

12. The director of the MPCA will make a final recommendation to the MPCA board regarding the intrinsic suitability of the proposed sites.

13. The MPCA board will make a determination as to the intrinsic suitability of the proposed sites.

14. Persons wishing to be notified of the availability of the hearing examiner's report, the director's final recommendation, or the MPCA board's determination as to the intrinsic suitability of the proposed sites may so indicate at the hearing.

PLEASE BE FURTHER ADVISED that, while persons may submit documents or other information at the hearing or up to five working days after the hearing, it would be very helpful to have such documents submitted to the MPCA staff in advance of the hearing. Therefore, persons wishing to submit documents or other information are encouraged to do so at the earliest possible time so that the MPCA staff has sufficient time to review such documents and information.

July 6, 1981

Louis J. Breimhurst  
Executive Director  
Minnesota Pollution Control Agency

## **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 August 4, 1981.

STATE UNIVERSITY BOARD has 1 vacancy open for a public member. The board manages state universities (Bemidji, Mankato, Metropolitan, Moorhead, St. Cloud, Southwest, and Winona); responsible for academic programs, fiscal management, personnel, admissions requirements, rules and regulations. Members appointed by the Governor and confirmed by the Senate. Members must file with Ethical Practices Board; 7 meetings per year in St. Paul; members receive \$35 per diem plus expenses. For specific information, contact State University Board, 407 Capitol Square Building, St. Paul 55101; (612) 296-3717.

INVESTMENT ADVISORY COUNCIL has 2 vacancies open, one for a retiree currently receiving benefits from The Post-Retirement Investment Fund, and one with experience in general investment matters. The council advises the board of investment on policy relating to investment of state funds. Members are appointed by the Board of Investment; must file with Ethical Practices Board; and receive no compensation. For specific information, contact Investment Advisory Council, Room 105 MEA Building, 55 Sherburne Ave., St. Paul 55155; (612) 296-3328.

## OFFICIAL NOTICES

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**HUMAN SERVICES OCCUPATIONS ADVISORY COUNCIL** has 2 vacancies open, 1 for a public member and 1 for a Not-Now-Regulated Human Services Occupation. The council reviews rules and policies of health-related licensing boards; 11 members appointed by the Governor; remaining members appointed by health-related licensing boards, 16 meetings annually; members receive \$35 per diem. For specific information, contact Human Services Occupations Advisory Council, 717 Delaware St., S.E. Minneapolis 55440; (612) 296-5393.

**GOVERNOR'S TASK FORCE ON JUVENILE JUSTICE** has 1 vacancy open for a public member. The task force analyzes the juvenile system from a statewide and systemwide perspective, and makes recommendations to the Governor and the Legislature. The task force expects to complete its duties by September 30, 1981. Members are compensated for expenses. For specific information, contact Governor's Task Force on Juvenile Justice, 444 Lafayette Road, St. Paul 55101; (612) 296-3052.

**HAZARDOUS WASTE MANAGEMENT PLANNING COUNCIL** has 2 vacancies open, 1 for a representative in hazardous waste industry and 1 for a local government representative. The council makes recommendations to the Waste Management Board on planning for and siting of hazardous waste processing and disposal facilities. Members appointed by the chairperson of the Waste Management Board; meetings twice monthly in St. Paul; members are compensated for expenses. For specific information, contact Hazardous Waste Management Planning Council, 123 Thorson Building; 7323-58th Ave. No., Crystal 55428; (612) 536-0816.

**SOLID WASTE MANAGEMENT ADVISORY COUNCIL** has 1 vacancy open for a local government representative. The council makes recommendations to the Waste Management Board on its solid waste management activities. Members appointed by the chairperson of the Waste Management Board; meetings twice monthly in St. Paul; members are compensated for expenses. For specific information, contact Solid Waste Management Advisory Council, 123 Thorson Building, 7323-58th Ave. No., Crystal 55428; (612) 536-0816.

**ADVISORY TASK FORCE ON BATTERED WOMEN** has 18 vacancies open for representatives from the fields of law enforcement and medicine, representatives from services that provide social services and services to battered women, and public members. Nine are delegated members and 9 are alternate members. Delegated members are compensated for expenses; monthly meetings, Metro Square Building, St. Paul. For specific information, contact Advisory Task Force on Battered Women: Dept. of Corrections, 430 Metro Square Building, St. Paul 55101; (612) 296-6463.

**MEDICAL POLICY DIRECTIONAL COMMITTEE ON MENTAL HEALTH** has 3 vacancies open, 1 for a family practitioner, 1 for a hospital administrator, and 1 for a psychiatrist. The committee advises the Commissioner of Welfare on mental health and public policy; members appointed by the commissioner; members receive \$50 per diem plus expenses. For specific information, contact Medical Policy Directional Committee on Mental Health, Department of Public Welfare, Centennial Building, St. Paul 55155; (612) 296-3058.

**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 and 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 Building, St. Paul 55155; (612) 296-6852.

## Department of Transportation

### Petition of Burlington Northern Railroad Company to Establish a Centralized Freight Agency at Crookston, Minnesota

#### Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given, that a contested case hearing concerning the above-entitled matter will be held on August 13, 1981 at 9:00 a.m. in the Northwest Regional Correction Center, 600 Bruce Street, Crookston, Minnesota.

The hearing will be held before Mr. George Deretich, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8116) a hearing examiner appointed by the chief hearing examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 and 9 MCAR §§ 2.201 through 2.222. Questions concerning the issues raised in this order or concerning informal disposition or discovery may be directed to Mr. Gordon W. Boldt, Director, Office of Railroad Administration, 419 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2452).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 all parties and potential parties of interest are given an opportunity to be heard on the petition of Burlington Northern Railroad Company to establish a centralized freight agency at Crookston, Minnesota.

The petition recites among other matters that:

"Petitioner presently maintains a freight depot with base agency service at Crookston to serve shippers at Crookston and at the blind sidings of Red Lake Falls, St. Hilaire, Tilden Junction, Benoit, Burwell, Fischer, Euclid, Shirley and Wilds. In addition, three direct services agents (mobile) are headquartered at Crookston and serve rail patrons at the locations as indicated below:

DSA #1	DSA #2	DSA #3
Halstad	Fertile	Ada
Eldred	Harold	Beltrami
Climax	Melvin	Borup
Nielsville	Hitterdahl	Felton
Shelly	Ulen	Averill
Hendrum	Syre	Hadler
Perley	Twin Valley	Greenview
Georgetown	Gary	Lockhard
Kragnes		
Girard		

Presently, other affected stations are as follows:

- (a) Triplized agency for Fosston, McIntosh and Erskine, handling the blind sidings of Mentor and Lengby.
- (b) Triplized agency for Hallock, Donaldson, and Kennedy, handling the blind sidings of Hillsiding, Northcote and Humboldt.
- (c) Triplized agency for Roseau, Badger and Greenbush, handling the blind sidings of Fox and Salol.
- (d) Agency for Stephen.
- (e) Agency for Thief River Falls, handling the blind sidings of Strathcona, Middle River and Holt.
- (f) Triplized agency for Warren, Angus and Argyle, handling the blind sidings of Roan and Luna.
- (g) Agency for Warroad.

Petitioner proposes to terminate base agency service at all of the above agency stations, except Crookston, and to centralize agency service for all the above locations at and from Crookston. The base agency staff at Crookston will be enlarged and will include a mobile agent assignment to handle extraordinary customer service inquiries requiring in-person representation. The centralized Crookston agency will encompass the following locations:

Crookston	Salol	Fisher
Burwell	Warroad	Northcote
Benoit	Harold	Humboldt
Tilden Junction	Melvin	Greenview
Dugdale	Fertile	Beltrami
Mentor	Gary	Lockhard
Erskine	Twin Valley	Hadler
McIntosh	Syre	Ada
Fosston	Ulen	Borup
Lengby	Hitterdal	Felton
St. Hilaire	Euclid	Averill
Red Lake Falls	Angus	Glyndon
Thief River Falls	Roan	Wilds
Holt	Warren	Girard
Middle River	Luna	Eldred
Strathcona	Argyle	Climax
Greenbush	Stephen	Nielsville
Badger	Donaldson	Shelly
Fox	Kennedy	Haldstad
Roseau	Hallock	Hendrum
		Perley
		Georgetown
		Kragnes

# OFFICIAL NOTICES

In justification for the agency changes sought, Petitioner alleges that the present and prospective volumes of rail freight traffic at the enumerated locations no longer warrant or justify the current structure of base and direct service agencies.

The following freight depots will no longer be required for agency service and Petitioner proposes to close and remove them:

Fertile	Donaldson
Hitterdahl	Stephen
Ada	Argyle
Haldstad	Warroad
Erskine	Red Lake Falls (vacant)
Thief River Falls	Fosston
Roseau	Mentor (vacant)
Warren	Beltrami (vacant)
Hallock	

There is no rail passenger service or parcel service of any kind at the affected locations, including Crookston, and there is no likelihood that such services will be resumed in the foreseeable future."

Any person who desires to become a Party to this matter must submit a timely Petition to Intervene to the hearing examiner pursuant to 9 MCAR § 2.210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought.

All Parties are advised that if a party intends to appear at the hearing scheduled for August 13, 1981, the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a Party fail to appear at the hearing, the allegations made in the petition may be taken as true.

The above cited procedural rules are available at the Office of Administrative Hearings or may be purchased from the Documents Section of the Department of Administration, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155 (Telephone: 612-297-3000). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents. If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the hearing examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

June 29, 1981

Richard P. Braun  
Commissioner of Transportation

## Department of Transportation

### Petition of Burlington Northern Railroad Company to Establish a Centralized Freight Agency at Crookston, Minnesota

#### Notice of Appearance

Date and Time of Hearing: August 13, 1981 at 9:00 A.M.

Name and Telephone Number of Hearing Examiner:

George Deretich  
1745 University Avenue  
Saint Paul, Minn. 55104  
296-8116

To the hearing examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

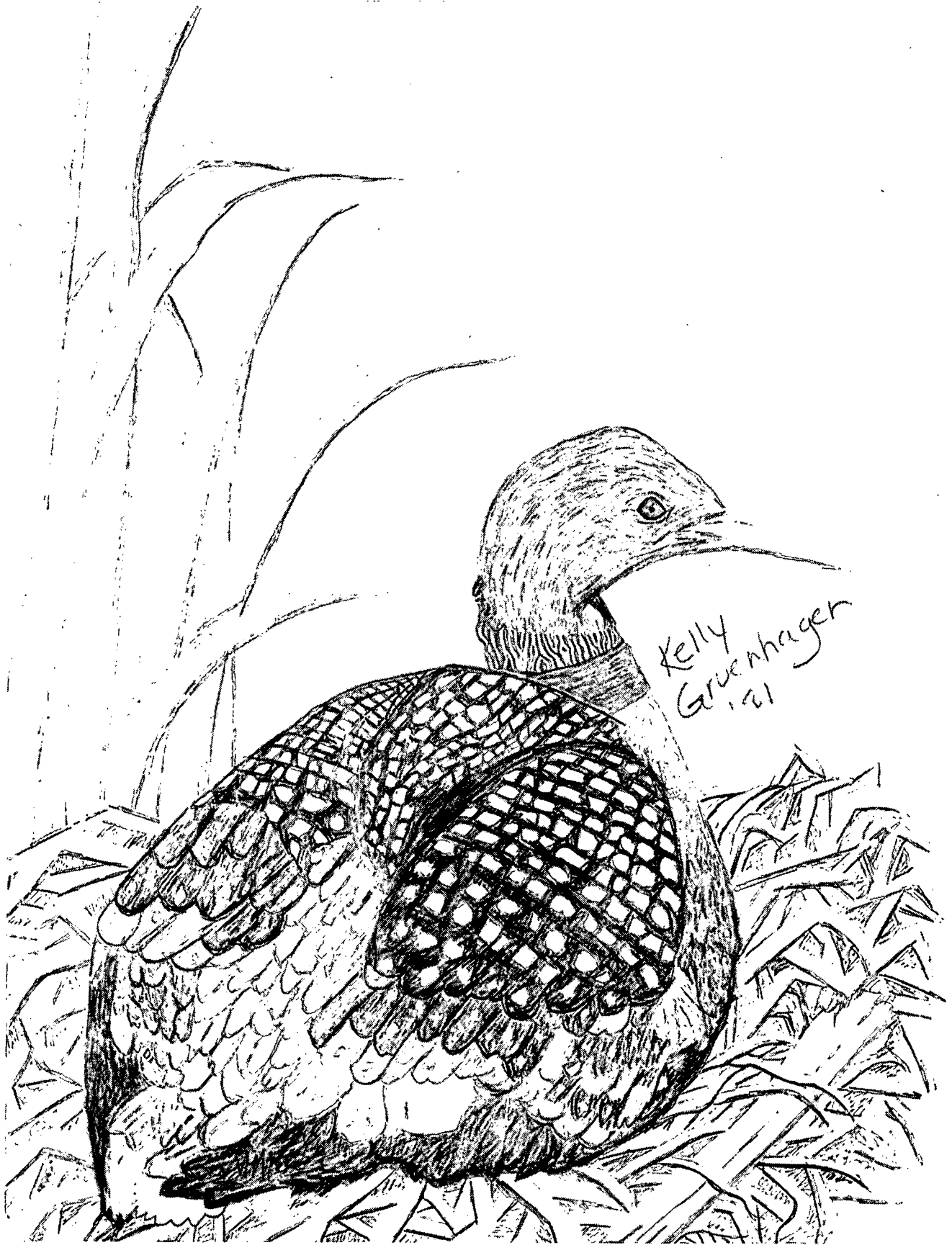
Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_



LOON Pencil drawing by Kelly Gruenhagen, New Ulm Junior High School, New Ulm, MN.

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