

83 Sept. 19

STATE REGISTER

STATE OF MINNESOTA

RECEIVED

SEP 24 1983

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



VOLUME 8, NUMBER 12

September 19, 1983

Pages 489-512



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 8			
13	Monday Sept 12	Monday Sept 19	Monday Sept 26
14	Monday Sept 19	Monday Sept 26	Monday Oct 3
15	Monday Sept 26	Monday Oct 3	Monday Oct 10
16	Monday Oct 3	Monday Oct 10	Monday Oct 17

*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. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 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 \$3.25 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*.

Rudy Perpich
Governor

Carol Anderson Porter
Editor

Sandra J. Hale
Commissioner
Department of Administration

Paul Hoffman, Robin PanLener, Jean Walburg
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 1-12..... 492

PROPOSED RULES

Energy and Economic Development Department Energy Division

Proposed Temporary Rules for the Administration
of the District Heating Grant Program [request
for public comment] 494

Pollution Control Agency

Proposed Amendment of APC 29, Standards of
Performance for Grain Handling Facilities, to be
Recodified and Retitled 6 MCAR § 4.00291,
Standards of Performance for Dry Bulk
Agricultural Commodity Facilities [notice of
intent to amend rules without a hearing] 499

ADOPTED RULES

Waste Management Board

Adopted Amendments to Rules Governing
Supplementary Review and Governing
Operating Procedures 502

Office of Administrative Hearings

Adopted Amendments to Procedural Rules for
Workers' Compensation Hearings 502

STATE CONTRACTS

State Arts Board

Consultant to Offer Artist Training Services 504

Education Department

Instruction Division

Inservice Training to School District Staff Subject
Areas of Mathematics, Science, and Social
Science 505

Energy and Economic Development Department Governor's Council on Rural Development

Design and Implementation of an Equity Loan
Fund for Rural Small Businesses 505

Metropolitan Council of the Twin Cities Area

Evaluation of Potential Landfill Sites 506

OFFICIAL NOTICES

Commerce Department

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Special Meeting of Board 506

Energy and Economic Development Department Criminal Justice Program

Notice of Meeting 506

Metropolitan Council of the Twin Cities Area

Preliminary Review Schedule for Housing
Chapter, Metropolitan Development Guide 506
Metropolitan Highway Right-of-Way Revolving
Fund [notice of public hearing] 507

Public Safety Department

Driver and Vehicle Services

Notice of Appointment of Deputy Registrar 508

Public Utilities Commission

Proposed Rules Governing Utility Delinquency
Charges [amended notice and order for hearing] 508

Secretary of State's Office

Notice of Vacancies in Multi-member State
Agencies 508

Transportation Department

Amended Order and Notice of Street and Highway
Routes Designated and Permitted to Carry the
Gross Weights Allowed under Minn. Stat.
§ 169.832 Order No. 68172 509

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 and filed with the Secretary of State before September 15, 1982, are published in the Minnesota Code of Agency Rules 1982 Reprint. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, Minnesota Rules, scheduled for publication in spring of 1984. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the MCAR 1982 Reprint are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the 1982 Reprint 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:

Table with 2 columns: Issue/Range and Cumulative Listing. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issue 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

The listings are arranged in the same order as the table of contents of the MCAR 1982 Reprint.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

1 MCAR §§ 2.0103, 2.0301, 2.0507, 2.0509, 2.1005, 2.2101-2.2102, 2.2106, 2.2109-2.2110, 2.2112, 2.2114-2.2115, 2.3104, 2.3200, 2.3302, 2.3702-2.3703, 2.3801, 2.4105, 2.4106, 2.4202 (proposed) 435
1 MCAR §§ 2.0901-2.0903, 2.2113, 2.4102 D. and E. (proposed repeal) 435
1 MCAR §§ 2.4001-2.4011 (proposed) 435

TITLE 2 ADMINISTRATION

Part 2 Employee Relations Department

2 MCAR §§ 2.303, 2.406, 2.409, 2.413 (proposed) 429
2 MCAR §§ 2.225, 2.2301 (proposed repeal) 429

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR § 1.0172 (proposed) 257
3 MCAR § 1.0325 (adopted) 28
3 MCAR § 1.0326 (adopted) 29
3 MCAR § 1.0327 (adopted) 30
3 MCAR § 1.0328 (adopted) 30

Part 2 Board of Animal Health

3 MCAR § 2.001, LSB 43, 3 MCAR § 2.044 (proposed) 77
3 MCAR § 2.011 (proposed) 426

TITLE 4 COMMERCE DEPARTMENT

Part 1 Commerce Department

4 MCAR §§ 1.0001-1.0032 [Temp] (proposed) 462
4 MCAR §§ 1.9081 Temp-1.9089 Temp, 1.90891 Temp, 1.90892 Temp (proposed) 260

Part 2 Energy and Economic Development

4 MCAR §§ 2.501-2.508 (proposed repeal) 149

Part 3 Public Utilities Commission

4 MCAR §§ 3.0317-3.0322 (proposed) 82
4 MCAR §§ 3.0450 [Temp]-3.0454 [Temp], 3.0456 [Temp], 3.0460 [Temp]-3.0463 [Temp] (proposed) 103

Part 7 Board of Architecture, Engineering, Land Surveying and Landscape Architecture

4 MCAR § 7.004 (proposed) 355

Part 11 Electricity Board

4 MCAR §§ 11.033-11.038 (proposed) 137

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR § 1.0790 (proposed) 428
5 MCAR § 1.0807 (proposed temporary) 144

Part 2 Higher Education Coordinating Board

5 MCAR §§ 2.0604, 2.0606, 2.0100, 2.2101-2.2106, 2.2201-2.2206, 2.2301-2.2307, 2.2401-2.2405, 2.2501-2.2503, 2.2601-2.2605, 2.2701-2.2705, 2.2801-2.2811 (adopted) 196

MCAR AMENDMENTS AND ADDITIONS

5 MCAR §§ 2.0101-2.0108, 2.0201-2.0209, 2.0801-2.0806,
2.0901-2.0918, 2.0990, 2.1001-2.1008 (repealed) 196
5 MCAR §§ 2.2101 [Temp]-2.2106 [Temp],
2.2204 [Temp] (proposed) 431

Part 3 Board of Teaching

5 MCAR §§ 3.007, 3.065, 3.0831, 3.088,
3.089 (adopted) 244

TITLE 6 ENVIRONMENT

**Part 2 Energy and Economic Development Department
(formerly Energy, Planning & Development)**

6 MCAR §§ 2.4040 Temp-2.4048 Temp (proposed) 494

Part 4 Pollution Control Agency

6 MCAR §§ 4.00291 (proposed) 499
APC 29 (proposed repeal) 499
6 MCAR §§ 4.3003, 4.3005 M., 4.3010,
4.3013 (adopted) 243
6 MCAR § 4.8024 (proposed) 101

Part 8 Waste Management Board

6 MCAR §§ 8.003, 8.006, 8.014, 8.203, 8.204 (adopted) 502

TITLE 7 HEALTH

Part 1 Health Department

7 MCAR § 1.059 (proposed) 225
7 MCAR §§ 1.2395, 1.314 (proposed) 284
7 MCAR §§ 1.651, 1.654 (proposed) 358

TITLE 8 LABOR

Part 1 Labor and Industry Department

RS 1, RS 14, RS 15, RS 17-RS 19 (proposed) 264

Part 3 Public Employment Relations Board

8 MCAR §§ 3.001, 3.003-3.006, 3.0061, 3.007-3.008, 3.010-
3.019, 3.030, 3.032, 3.034-3.038, 3.040-3.041, 3.050, 3.052-
3.054, 3.0541, 3.055, 3.060, 3.062-3.063, 3.0641, 3.0651, 3.0661,
3.067-3.078 (adopted) 293
8 MCAR §§ 3.033, 3.039, 3.064-3.065 (repealed) 293

Part 4 Economic Security Department

8 MCAR § 4.0101 [Temp] (proposed) 322
8 MCAR § 4.0102 [Temp] (proposed) 324

TITLE 9 LAW

Part 2 Administrative Hearings Office

9 MCAR §§ 2.306, 2.312, 2.314, 2.317, 2.320,
2.321 (adopted) 502

TITLE 11 PUBLIC SAFETY

Part 1 Department of Public Safety

11 MCAR §§ 1.2094, 1.2140 (proposed) 289
11 MCAR §§ 1.3060-1.3066 (adopted) 243

Part 2 Corrections Department

11 MCAR §§ 2.001-2.012 (proposed) 57

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

12 MCAR § 2.027 (adopted) 161
12 MCAR §§ 2.05001 [Temp]-2.5016 [Temp] (proposed) 6
12 MCAR §§ 2.05001 [Temp]-2.05016 [Temp] (adopted) 461
12 MCAR §§ 2.05401-2.05403 (proposed temporary) 150
12 MCAR §§ 2.05501 [Temp]-2.05509 [Temp],
2.04422 [Temp] (proposed) 325
12 MCAR § 2.164 (proposed temporary) 160
12 MCAR § 2.204 (proposed) 189
12 MCAR §§ 2.494, 2.840 (proposed) 273

Part 3 House Finance Agency

12 MCAR §§ 3.002 [Temp], 3.055 [Temp]-3.057 [Temp]
(proposed) 5
12 MCAR §§ 3.002 [Temp], 3.055 [Temp]-3.057 [Temp]
(adopted) 334
12 MCAR §§ 3.002 [Temp], 3.133 [Temp], 3.134 [Temp]
(adopted) 116
12 MCAR § 3.037 (proposed) 434
12 MCAR § 3.051 (adopted) 476
12 MCAR §§ 3.058 [Temp]-3.061 [Temp] (proposed) 109
12 MCAR § 3.120 (proposed) 433
12 MCAR § 3.122-3.126 (adopted) 459
12 MCAR §§ 3.160 [Temp]-3.165 [Temp] (proposed) 111

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR § 1.6016 (proposed repeal) 292
13 MCAR §§ 1.6004, 1.6501-1.6503; and 2019 (adopted) 114

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4031-1.4033, 1.4035, 1.4037, 1.4040, 1.4042-
1.4045, 1.4050, 1.4055, 1.4060, 1.4065 (proposed) 451
14 MCAR §§ 1.4025-1.4030 (proposed repeal) 451
14 MCAR §§ 1.7001, 1.7003, 1.7005, 1.7007-1.7009 (adopted) 30

PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Energy and Economic Development Energy Division

Proposed Temporary Rules for the Administration of the District Heating Grant Program

Request for Public Comment

Notice is hereby given that pursuant to Minn. Stat. § 14.30 (1982), the Department of Energy and Economic Development is proposing the following temporary rules for the purpose of administering the district heating grant program. Authority for the adoption of these rules is contained in Minn. Stat. § 116J.36, sub. 3a. A copy of the proposed rules is attached to this notice.

Persons interested in these rules have 20 days from this publication to submit data and views on the proposed temporary rules in writing. Comments should be submitted to:

Mary Lesch-Gormley
Energy Division
980 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101
Telephone: 612/297-2324

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the Division and do not result in a substantial change in the proposed language.

These proposed temporary rules, with modifications, if any, shall be submitted to the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

These temporary rules shall then be effective for 180 days or until they are replaced by permanent rules, whichever occurs first.

Mark B. Dayton
Commissioner

Temporary Rules as Proposed (all new material)

6 MCAR § 2.4040 [Temporary] Definitions.

For the purpose of 6 MCAR §§ 2.4041-2.4048 [Temporary] the words or terms defined in this rule have the meanings given them.

A. Applicant. "Applicant" means a municipality as defined in H. as well as any organization submitting a joint application with the municipality. No application shall be accepted unless submitted by a municipality as sponsor or co-sponsor.

B. Commissioner. "Commissioner" means the commissioner of the Department of Energy and Economic Development.

C. Committee. The commissioner shall select a committee consisting of at least four members to review and rank applications. Committee members must be knowledgeable in the area of district heating, but cannot be directly or indirectly involved in any district heating project under consideration by the commissioner.

D. Community heat load survey and map. "Community heat load survey and map" means a description of the district heating market including location of heat source, location, type and age of heating systems of potential nonresidential customers, annual energy consumption, temperature requirements, and approximate load duration for process heat customers.

E. Department. "Department" means the Department of Energy and Economic Development.

F. Eligible planning grant costs. "Eligible planning grant costs" are as defined in Minnesota Statutes, section 116J.36, subdivision 3a.

G. Major central system. "Major central system" is one that does not rely primarily on oil or natural gas.

H. Municipality. For purposes of applying for grants under this program, "municipality" means a city, however organized.

I. Preliminary planning grant project. "Preliminary planning grant project" is a project with a goal to undertake a preliminary examination of a district heating opportunity, including technical, organizational, and economic feasibility.

J. Satellite or heat island. A "satellite" or "heat island" system relies on oil, natural gas, or the combustion of waste material and is a heating system which in the future would become a part of a major central system.

K. Secondary planning grant project. "Secondary planning grant project" is an in-depth examination of a district heating opportunity. Results of this study should allow a city to proceed to design and construct in a timely fashion, provided results of the project indicate continued feasibility.

6 MCAR § 2.4041 [Temporary] Authority and purpose.

A. Authority. Rules 6 MCAR §§ 2.4040-2.4048 [Temporary] implementing the district heating planning grant program are promulgated by the department according to Minnesota Statutes, section 116J.36, subdivisions 3a and 11.

B. Purpose. The objective of the district heating planning grant program is to encourage the development and expansion of economically viable district heating systems which have the potential to save energy and displace scarce fuels such as oil and natural gas. The program is designed to encourage construction of new district heating systems, reconstruction or major expansion of existing district heating systems, and expansion of district heating systems by development of satellite systems or heat islands which could be connected to an existing or proposed major central heating system at a later time.

C. Maximum award amount. The maximum amount of a preliminary planning grant is \$20,000 and requires at least a ten percent local match. The maximum amount of a secondary planning grant is \$50,000 and requires at least a ten percent local match.

6 MCAR § 2.4042 [Temporary] Planning grant program.

A. Application schedule. After the effective date of 6 MCAR §§ 2.4040-2.4048 [Temporary] and after announcement of the program by the department in the *State Register*, the department shall accept applications for secondary planning grants only. First priority shall be given to funding secondary planning projects which meet the criteria for eligible projects. If funds remain, a preliminary planning grant program will be announced in the *State Register*. Applications received shall be ranked, and a committee shall recommend all completed projects in a priority rank.

B. Review process. The commissioner shall select a committee which shall assist the department in reviewing and ranking applications. The recommendations of this committee shall be transmitted to the commissioner. The commissioner shall approve, disapprove, or return for further consideration projects recommended by the committee. Upon approval by the commissioner, a grant agreement shall be negotiated with the department in accordance with 6 MCAR § 2.4047 [Temporary]. Comments on applications not selected for grant awards shall be forwarded to the applicant.

6 MCAR § 2.4043 [Temporary] Contents of preliminary planning grant applications.

Applications shall contain at least the following information:

A. A community heat load survey and map. The survey shall contain a description of the heat source and an estimate of the district heating market.

1. If plans call for an existing heat source such as an electric generation plant or a coal-fired boiler, the application shall include at least a discussion of type, size, age, fuel, present use, and emission controls. If a new heat source is proposed, the application shall also include fuel, estimated cost of fuel, and fuel availability.

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

2. The estimate of the district heating market shall contain nonresidential building information including location, type, and age of heating system; type of fuel and annual energy consumption; and a description of process load including temperature requirements and load duration for a representative number of customers.

3. The map shall show the location of the heat source and major load concentrations.

B. Completed independent assessment questionnaire. This form will be provided to the applicant.

C. Project plan. A detailed project work plan explaining how the applicant intends to prepare the information defined in the following list. The applicant must include a breakdown of tasks, personnel assigned to and responsible for each task, estimate of time required to complete each task, and project schedule including beginning and end dates for each task. Expected results and product of each task must be identified.

1. Briefly discuss the unit of government and individuals responsible for this project. Describe how the team is organized.

2. Explain plans to develop more detailed information about heat source, heat loads, distribution system, and building conversion costs.

3. Explain how the applicant will develop a business profile, market analysis, or strategy.

4. Discuss the ownership options being considered and how the applicant plans to narrow them down.

5. Explain how the applicant will develop a funding strategy for successive stages of development.

6. Discuss how the applicant will develop a preliminary economic analysis. This analysis should contain preliminary cost estimates for heat source, distribution pipe, and conversion costs to individual building owners. The analysis should also contain revenue projections for the project and an operating budget.

D. Community commitment. Include written expressions of interest and commitment from major potential loads, the owner of the heat source, and the municipal governing body.

E. Community benefit. Briefly discuss the impact of the district heating system on the community and how it would relate to community development plans.

F. Project budget. Include an estimate of expenditures by categories such as personnel and travel. Also include an estimate of costs by project plan task.

G. Project organization chart and use of consultants.

6 MCAR § 2.4044 [Temporary] Ranking criteria for preliminary planning grants.

The committee will use the following criteria to rank applications:

A. community heat load survey and map, up to a maximum of 30 points;

B. thoroughness of project plan, up to a maximum of 30 points;

C. community commitment/business commitment, up to a maximum of 15 points;

D. qualifications of project personnel, up to a maximum of ten points;

E. benefit to the community, up to a maximum of ten points;

F. clarity and conciseness, up to a maximum of five points.

6 MCAR § 2.4045 [Temporary] Contents of secondary planning grant application.

Applications shall contain at least the following information.

A. History of project to date.

B. A community heat load survey and map. The survey shall contain a detailed discussion of the heat source and proposed heat load. A map that shows the location of the heat source and heat loads must be included.

C. Project plan. A detailed project work plan explaining how the applicant intends to prepare marketing, economic analysis, engineering, and other data defined in the following list. Applicant must include a breakdown of tasks, personnel assigned to and responsible for each task, estimate of time required to complete each task, and project schedule including beginning and end dates for each task. The expected results and product of each task must be identified.

1. Marketing. The applicant must prepare a work plan for obtaining the following information.

a. A market study of customers who represent at least 90 percent of the thermal load, to include detailed information on present fuel consumption and the present heating system in each building. Specific feedback on customers' attitudes toward district heating building improvements, capital intensive projects, and conservation must be obtained.

b. A market strategy is to be prepared using the information gained in a. This strategy should include marketing to the community as a whole and also to the individual customers of the system. Marketing efforts may include any or all of the following: public meetings, newspaper articles, radio spots, slide shows, brochures, one-to-one meetings with individual customers, developing financial mechanisms for customer conversion costs, and working with community organizations and other branches of city government. Specific conversion cost information for a representative number of potential customers must be prepared as part of this project.

c. A form contract must be prepared and will be used to market district heating to potential customers and obtain commitments from customers representing 50 percent of the heat load to purchase heat from the district heating system. If contracts will not be used, a statement must be included setting out the security to be pledged for the bonds.

d. A resolution from the owner of the heat source stating his intention to proceed to design and/or construct the system.

e. A resolution from the city council stating their continued interest in the project and also what pledges they would make for repayment of a state design loan.

f. A description of how the system could be expanded to serve other parts of the community.

2. Economic analysis. The application should contain at a minimum plans for developing the following information.

a. Cash flow, income, and balance sheets for a 20-year planning period.

b. Cost expenditures for transmission and distribution pipe, heat source operation, and maintenance costs excluding fuel, building heating conversion costs, system replacement costs, and building and land acquisition as necessary.

c. An explanation of what provisions if any will be provided for customer conversions.

3. Engineering. An applicant must explain how the following information will be attained.

a. An analysis of the proposed piping layout must address optimum service to the total designated area, reliability of service, system temperatures and pressure requirements, thermal and hydraulic operability for normal and emergency conditions, optimum piping configurations to provide service, and flexibility for future expansion.

b. An analysis of the proposed piping design must address reliability of service, ease of construction, ease of maintenance, installation methods, and specifications and standards.

c. Heat source design must define the proposed roles of the following heat sources in the development and the future operation of the system: base load heating plant; peaking plants; large boiler plants in existing buildings; back-up heat source; mobile boilers; accumulators; and future heat sources such as solid waste, solar, and industrial waste heat.

4. Other. The applicant must provide plans for obtaining the following additional information.

a. Identification of all licenses, permits, zoning regulations, and other requirements of federal, state, and local government with which the project will be expected to comply.

b. Copy of completed environmental impact statement or negative declaration of an EAW or, in those cases where no environmental rules and regulations apply, a statement as to the environmental effects of the project.

c. An estimate of the type and amount of fuel saved per year with district heating compared to the type and amount of fuel used by existing system.

D. Project budget. An estimate of expenditures by categories such as personnel and travel, and estimates of cost by project plan task and by proposed source of funds from state, local government, or other source must be included.

E. Project organization chart and use of consultants. The role and responsibilities of all parties involved with this project must be discussed. Appropriate background material for each person should be submitted.

F. Community commitment. Written expressions of interest and commitment from major potential loads, the owner of the heat source, the municipal governing body, and other organizations should be included. Amount and source of nonstate funds committed to the planning project should be indicated.

G. Community benefit. The impact of the district heating system on the community and its relationship to community

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

development plans should be discussed briefly. The results of the preliminary economic analysis and the manner in which these results will benefit the community should also be discussed.

6 MCAR § 2.4046 [Temporary] Ranking criteria for secondary planning grants.

The committee will use the following criteria to rank applications:

- A. thoroughness of project plan, up to a maximum of 40 points;
- B. heat load, up to a maximum of 20 points;
- C. community commitment, up to a maximum of 15 points;
- D. qualifications of project personnel, up to a maximum of ten points;
- E. benefit to the community/favorable preliminary economic analysis, up to a maximum of ten points;
- F. clarity and conciseness, up to a maximum of five points.

6 MCAR § 2.4047 [Temporary] Agreement.

After approval by the commissioner, the applicant shall enter into an agreement with the department.

A. Contents. The agreement shall specify the grant amount and the duration of the grant. The agreement shall include assurance that the local share will be provided and that the agreed upon work program will be carried out. A grant agreement based upon a joint application must be executed by the lead applicant. Amendments and extensions may only be made in writing and must be signed by all parties.

B. Funding period. Planning grants will be approved for a period of up to one year, unless other terms are agreed to by the commissioner.

C. Grant limitations. Planning grants shall not exceed 90 percent of eligible planning costs. No single grant shall exceed \$20,000 for a preliminary planning grant or \$50,000 for a secondary planning grant.

D. Disbursement schedule. Eighty percent of grant money shall be disbursed at the outset upon receipt of invoice to the department of project costs. The remaining 20 percent shall be disbursed upon completion and receipt of a satisfactory final report.

E. Required reports. The grantee shall submit to the department on the first of each month a one to two page report briefly stating the activities that have taken place during the month. The grantee shall provide the department with three copies of the final planning report, one of which shall be a camera-ready copy.

F. Records. The grantee shall maintain financial records according to generally recognized accounting methods for a period of not less than three years from the date of the execution of the contract of all transactions relating to the receipt and expenditure of grant money.

G. Contract deviations. No grant funds shall be used for work done prior to the time the grant is awarded. No grant funds shall be used to finance activities by consultants or local staff if the activities are not included in the grant contract, unless agreed upon in writing by the department. Unless agreed upon by the department, a municipality may not contract out all its energy-related activities to consultants.

6 MCAR § 2.4048 [Temporary] Evaluation.

A. Evaluation. The department shall conduct an evaluation of the final report and all the required reports and financial documents within 60 days of their submission by the grantee to the department. The evaluation shall assess:

1. whether the local share contributed was equal to or greater than ten percent of the total cost of the preliminary planning project;
2. whether the agreed upon work program was completed; and
3. whether the governing body has formally reviewed the completed preliminary district heating plan.

B. Review. Upon completion of a satisfactory evaluation, the remaining ten percent of the grant shall be disbursed to the grant recipient. If the results of the evaluation are unfavorable to the grantee and the grantee does not agree with the findings of the evaluation, the grantee may request a review by the commissioner.

Pollution Control Agency

Proposed Amendment of APC 29, Standards of Performance for Grain Handling Facilities, to be Recodified and Retitled 6 MCAR § 4.00291, Standards of Performance for Dry Bulk Agricultural Commodity Facilities

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (agency) intends to adopt without a public hearing amendments to Minn. Rule APC 29, Standards of Performance for Grain Handling Facilities, to be recodified and retitled as 6 MCAR § 4.00291, Standards of Performance for Dry Bulk Agricultural Commodity Facilities. The agency proposes to accomplish the amendment by repealing Minn. Rule APC 29 and replacing it with 6 MCAR § 4.00291.

The agency has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982).

The proposed amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1982). The proposed amendments are published below. Please be advised that during the public comment period on the proposed amendments, the agency staff intends to propose the following amendment to 6 MCAR § 4.0029 B.3.d.:

d. a discharge of particulate matter from control equipment that exceeds the limits set forth in table 2 of rule APC 5 or that exhibits greater than ~~five~~ ten percent opacity; except that facilities constructed prior to January 1, 1984, with an annual commodity throughput of more than 180,000 tons and located in an unincorporated area or in a city with a population of less than 7,500, outside the Minneapolis-St. Paul Air Quality Control Region, shall be in compliance if the control equipment has a collection efficiency of not less than 85 percent by weight.

The need for and reasonableness of this proposed change is explained in the agency's Statement of Need and Reasonableness.

The agency has prepared a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon by the agency to support the proposed amendments. Copies of the statement of need and reasonableness and of the proposed amendments are available and may be obtained by contacting:

Jeanine Willenbring
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7351

Interested persons have 30 days, specifically until October 19, 1983, to submit comments on the proposed amendments. The proposed amendments may be modified if the data and views submitted to the agency warrant modification and the modification does not result in a substantial change in the proposed amendments.

Unless seven or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. §§ 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to George Vasilakes, at the agency address previously stated (telephone: (612) 296-7325), no later than October 19, 1983. If a person desires to request a public hearing, the agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the amendments by the agency board, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be sent 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 amendments as adopted, should submit a written statement of such request to George Vasilakes at the address previously stated.

You are hereby advised, pursuant to Minn. Laws 1983, ch. 188, "Small business considerations in rulemaking," that the

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

proposed rule amendments may have an impact on some small businesses dealing in dry bulk agricultural commodities. The nature of any impact on a small business is dependent upon the geographical location of the business, the commodity throughput of the business, and whether the business' facility is new or existing. The changes being proposed in the amendments to the rule which may impact small businesses include the following:

1. Expansion of the coverage of the rule to include all dry bulk agricultural commodities. The rule formerly covered grain only.
2. Addition of a new definition of the term "throughput," which affects the applicability of the rule to some businesses.
3. Addition of specific opacity limitations for sources of fugitive particulate emissions.
4. Addition of the requirement for facilities to minimize fugitive emissions to a level consistent with "reasonably available control technology." This term is defined in the rule.
5. Specification in the rule of a requirement to maintain air pollution control equipment in proper operating condition and to use the equipment as designed. This requirement has formerly been imposed in permits.

More detailed information concerning the nature of the impact of these changes upon small businesses is set forth in the Agency's Statement of Need and Reasonableness.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1982) as any individual:

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

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

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

Sandra S. Gardebring
Executive Director

Rule as Proposed (all new material)

6 MCAR § 4.00291 Standards of performance for dry bulk agricultural commodity facilities.

A. Definitions. For the purposes of this rule the following terms have the meanings given them:

1. "Capture system" means equipment such as hoods, ducts, fans, and dampers used to capture particulate matter.
2. "Column dryer" means equipment used to reduce the moisture content of grain in which the grain flows from the top to the bottom in one or more continuous packed columns between two perforated metal sheets.
3. "Dry bulk agricultural commodity" or "commodity" includes grain, grain by-products, seed, beet pulp or pellets, and alfalfa meal or pellets.
4. "Dry bulk agricultural commodity facility" means a facility where bulk commodities are unloaded, handled, cleaned, dried, stored, ground, or loaded.
5. "Grain" means corn, wheat, sorghum, rice, rye, oats, barley, flax, soybeans, and sunflower seeds.
6. "Grain storage elevator" means a grain elevator located at a wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant that has a permanent grain storage capacity of more than 35,200 cubic meters, which is approximately one million bushels.
7. "Grain terminal elevator" means a grain elevator that has a permanent storage capacity of more than 88,100 cubic meters, which is approximately 2.5 million bushels, except a grain elevator located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots.
8. "Handling operation" includes the use of bucket elevators, scale hoppers, conveyors, trippers, and spouts for the distribution and weighing of commodities within a commodity facility.
9. "Loading station" means the part of a commodity facility where the commodities are transferred from the facility to a truck, railcar, barge, or ship.
10. "Rack dryer" means equipment used to reduce the moisture content of grain in which the grain flows from the top to the bottom in a cascading flow around rows of baffles (racks).

11. "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

12. "Throughput" means the number of tons of commodities received, plus the number of tons of commodities shipped, divided by two, determined on the basis of an average year. An average year is determined by averaging the actual receipts and shipments for the last three consecutive fiscal years. For facilities less than three years old, actual and anticipated receipts and shipments must be used.

13. "Topping-off" means the placing of grain in the final three feet of void in a barge, nine feet in a ship, between the fore and aft center line of the hatch and the outboard side of the vessel. The depth is determined by vertical measurement along the outboard side of the vessel from the top of the hatch opening.

14. "Trimming" means the part of ship loading that requires the use of spoons, slingers, and other equipment attached to the loading spout to ensure that a ship is loaded to capacity.

15. "Unloading station" means the part of a commodity facility where the commodities are transferred from a truck, railcar, barge, or ship to a receiving hopper.

B. Standards of performance for dry bulk agricultural commodity facilities.

1. The owner or operator of a commodity facility shall:

a. clean up commodities spilled on the driveway and other facility property as required to minimize fugitive emissions to a level consistent with RACT; and

b. maintain air pollution control equipment in proper operating condition and utilize the air pollution control systems as designed.

2. The owner, operator, or other person who conducts activities at a grain terminal elevator or grain storage elevator, of which construction, modification, or reconstruction commenced after August 3, 1978, shall meet the requirements of Code of Federal Regulations, title 40, part 60.300, subpart DD, (August 3, 1978) entitled Standards of Performance for Grain Elevators.

3. A commodity facility that is not required to be controlled under B.2. must be controlled if the facility meets one of the descriptions listed in Exhibit 6 MCAR § 4.00291-1 where the table indicates "control required." For a facility where control is required under this section, no owner, operator, or other person who conducts activities at the facility may allow:

a. a discharge of fugitive emissions that exhibit greater than five percent opacity from a truck unloading station, railcar unloading station, railcar loading station, or handling operation;

b. a discharge of fugitive emissions that exhibit greater than ten percent opacity from a truck loading station;

c. a discharge of fugitive emissions that exhibit greater than 20 percent opacity from a ship or barge loading or unloading station, except that during trimming or topping-off, when normal loading procedures cannot be used, no opacity standard applies; and

d. a discharge of particulate matter from control equipment that exceeds the limits set forth in table 2 of rule APC 5 or that exhibits greater than five percent opacity, except that facilities constructed prior to January 1, 1984, with an annual commodity throughput of more than 180,000 tons and located in an unincorporated area or in a city with a population of less than 7,500, outside the Minneapolis-St. Paul Air Quality Control Region, is in compliance if the control equipment has a collection efficiency of not less than 85 percent by weight.

4. The owner or operator of a commodity facility not required to control emissions under B.2. or 3. is not required to install capture systems and control equipment but shall unload, handle, clean, dry, and load commodities to minimize fugitive emissions to a level consistent with RACT. If a capture system is used, the particulate matter must be conveyed through control equipment that has a collection efficiency of not less than 85 percent by weight.

5. A grain dryer must meet the following design specifications:

a. the perforations of a column dryer screen must not exceed 3/32 inches in diameter; and

b. the emissions from a rack dryer must pass through a 50-mesh screen enclosure before discharge to the atmosphere.

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

C. Nuisance. Notwithstanding any provisions in this rule, no owner or operator of a dry bulk agricultural commodity facility may operate or maintain a facility that creates a public nuisance. If the director determines that operation or maintenance of a commodity facility creates a public nuisance, the director may require the owner or operator to take measures necessary to eliminate the nuisance.

Exhibit 6 MCAR § 4.00291-1

Facility Description	Date Construction, Modification or Reconstruction Commenced	
	Prior to 1/1/84	After 1/1/84
Facility located in Minneapolis-St. Paul Air Quality Control Region or located in a city with a population of 7,500 or more or with annual commodity throughput of more than 180,000 tons	Control required	Control required
Facility with annual commodity throughput of 120,000 to 180,000 tons and located in a city with a population of less than 7,500	No control required	Control required
Facility with annual commodity throughput and location other than those described above	No control required	No control required

Repealer. Pollution Control Agency rule APC 29 is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Waste Management Board

Adopted Amendments to Rules of the State Waste Management Board Governing Supplementary Review and Governing Operating Procedures

The rules as proposed and published at *State Register*, Volume 7, No. 47, pp. 1678-1680, (7 S.R. 1678) are now adopted without modification.

Office of Administrative Hearings

Adopted Amendments to Procedural Rules for Workers' Compensation Hearings

The rules proposed and published at *State Register*, Volume 7, Number 52, pages 1827-1831, June 27, 1983 (7 S.R. 1827) are adopted with the following modifications:

Rules as Adopted**9 MCAR § 2.306 ~~Notice of intention~~ Objections to discontinuance and petitions to discontinue compensation payments.**

A. Hearing. When either an objection to a ~~notice of intention to discontinue~~ discontinuance of compensation payments or ~~an objection to a decision of the commissioner allowing a discontinuance has been filed or where~~ a petition to discontinue benefits has been filed and the matter has been referred to the chief hearing examiner, it shall be set for hearing on a priority basis not less than 30 nor more than 75 days from the date of the receipt of the matter from the commissioner.

B. Objection to discontinuance as claim petition. Any objection filed more than 120 days after service of a notice of intention to discontinue, a notice of discontinuance or an order administrative decision of the commissioner allowing the discontinuance shall be treated as a claim petition for purposes of scheduling a hearing and shall not be heard on a priority basis.

C. Petitions for discontinuance. When an employer or insurer petitions the commissioner for an order allowing discontinuance of benefits ~~but has chosen not to discontinue payments until after a final determination~~ and the matter has been referred to the chief hearing examiner, the petitioner shall be entitled to a hearing on the same priority basis as set forth in A. After an administrative conference on a notice of intention to discontinue, a petition to discontinue pursuant to Minnesota Statutes, section 176.242, subdivision 5, filed more than 120 days following the issuance of the commissioner's order administrative decision disallowing the discontinuance shall not be given priority status for the purpose of scheduling a hearing.

9 MCAR § 2.312 Disqualification.

A compensation judge shall withdraw from participation in a case at any time if the judge deems himself or herself disqualified, prejudiced, or biased for any reason. Any party or his attorney may make and serve on the opposing party and file with the chief hearing examiner an affidavit stating that, on account of prejudice or bias on the part of the judge who is to preside at the hearing, he has good reason to believe and does believe that he cannot have a fair hearing before the assigned judge. Each party shall be allowed one filing under this section on any one case. The affidavit shall be filed with the chief hearing examiner not more than ten days after the moving party has received notice of the assignment of the judge to the hearing or has knowledge of the grounds for disqualification, prejudice, or bias, whichever occurs last. Upon the filing of the affidavit, with proof of service, the chief hearing examiner shall assign the case to another judge.

A proceeding to disqualify a compensation judge for cause other than or in addition to the foregoing is allowed. It shall be initiated by the service on all parties and the filing of a motion for disqualification supported by affidavit stating in detail the facts establishing the grounds for disqualification of the compensation judge. The motion shall be filed with the chief hearing examiner not more than ten days after the moving party has received notice of the assignment of the judge to the hearing or has knowledge of the grounds for disqualification, whichever occurs last. The motion shall be determined by the chief hearing examiner or his designee.

9 MCAR § 2.314 Discovery.

B. Depositions. Pursuant to the provisions of Minnesota Statutes, section 176.411, subdivision 2, depositions may be taken in the manner which the law provides for depositions in civil actions in the district courts for the state, except where a compensation judge orders otherwise. When a party has objected to the taking of a deposition, the party requesting the deposition shall bring a motion before the compensation or calendar judge, before whom the case is pending at the time of the motion, who shall determine whether the deposition should go forward. The motion shall state, with specificity, the facts or other reasons supporting the need for the deposition. The compensation or calendar judge shall order the deposition to proceed if the judge finds that the request for the taking of the deposition has been shown to be needed for the proper presentation of a party's case, is not for purposes of delay, that unusual or extraordinary circumstances exist which compel extensive discovery, or that the issues or amounts in controversy are significant enough to warrant extensive discovery.

Depositions for the purpose of preserving testimony or for presenting testimony due to the unavailability of the witness shall be allowed. Unless, for good cause shown, the party taking the deposition has obtained the permission of the calendar judge, or compensation judge if the case has been assigned for hearing, to take the deposition subsequent to the hearing, it shall be taken sufficiently in advance of the hearing so that the deposition is filed prior to or at the commencement of the regular hearing.

Pursuant to Minnesota Statutes, section 176.155, subdivision 5, the cross-examination of a physician or health care provider prior to hearing is specifically allowed. When a deposition for the purpose of cross-examination of a physician or health care

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

provider is taken pursuant to this paragraph, re-direct examination is allowed. Unless ordered otherwise by a compensation judge, the cross-examination deposition shall be completed and the original filed with the office at or prior to the hearing on the case.

9 MCAR § 2.317 The hearing.

C. Medical evidence.

1. If a party believes that the oral testimony of a physician or health care provider is crucial to the accurate determination of the employee's disability, the party shall prepare, serve on all other parties, and file with the office a written motion, with supporting affidavits if deemed necessary, requesting a written finding from a judge on the cruciality of the oral testimony. The motion must be served and filed at or prior to the filing of a pretrial statement no later than 30 days prior to the scheduled hearing date. Any party may file an objection to the motion. Objections must be filed within ten calendar days of the service of the motion.

5. The production of medical evidence in the form of written reports is required by Minnesota Statutes, section 176.155, subdivision 5. These reports shall include, in the following order:

j. If a permanent disability is a result of two or more injuries or occurrences, or if part of the permanent disability is a result of a preexisting disability that arises from a congenital condition, or is the result of a traumatic injury or incident, whether or not compensable under Minnesota Statutes, chapter 176, the report shall apportion the disability between the injuries, occurrences, or conditions;

6. Medical reports to be used to support a party's position shall be served on all other parties and filed with the office, with proof of service, prior to or at the time of the filing of a pretrial statement no later than 60 days prior to the scheduled hearing date, unless it can be shown that the delay in filing the report was caused by a failure of the employee to report for an adverse medical examination or to provide medical support for the claim on a timely basis or other good cause.

9 MCAR § 2.318 The compensation judge's decision.

B. Compensation judge decisions.

1. Within 60 days after the close of the record, the compensation judge shall prepare his or her decision and, upon completion, it shall be served on all parties. The record shall be considered to be closed upon the submission of the entire case to the judge including any late filed exhibits, depositions, or legal memoranda but excluding the time for submission ~~of~~ of a proposed decision by any party.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Minnesota State Arts Board

Notice of Request for Proposals for a Consultant to Offer Artist Training Services

The Minnesota State Arts Board is seeking proposals for a consultant in its Artists in Education Program. The individual or organization awarded the contract will: 1) offer career training opportunities for 41 program artists; 2) promote program artists through informational workshops and development and distribution of publicity about the artists; 3) assist with the development and implementation of residency programs; and 4) make site visits and evaluate the program's artists.

The projected date for the start of the contract is October 17, 1983. The end date will be no later than June 30, 1984. Services will be offered by the contractor on a mutually agreed upon timeline. This contract will not exceed \$5,000.

Proposals should include resume, up to 3 professional references and up to 2 pages of narrative on why applicant is interested

in the contract and past experience in implementing similar activities. Deadline for receipt of the proposal is 4:30 p.m. October 10, 1983. Proposals should be submitted to Cindy Olson, Artists in Education Program Manager, Minnesota State Arts Board, 432 Summit Avenue, St. Paul, Minnesota 55102. For more information write or call (612) 297-2603.

Department of Education Instruction Division

Notice of Request for Proposals to Provide Inservice Training to School District Staff Subject Areas of Mathematics, Science, and Social Science

The Minnesota Department of Education is seeking proposals for providing in-service training to elementary and secondary teachers in the subject areas of mathematics, science, and social science. The in-service training is to offer a broad spectrum of experiences including active participant involvement. Progress and final reports are required.

All proposals and inquiries should be directed to:

Dr. Donald A. Johansen
Minnesota Department of Education
650 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-4055

The total amount of funds available for contracts is \$150,000 in each subject area of mathematics, science, and social science with estimated costs of individual proposals to be \$50,000 or less.

The deadline for submitting proposals for the contracts listed above is January 15, 1984.

Department of Energy and Economic Development Governor's Council on Rural Development

Notice of Request for Proposals for the Design and Implementation of an Equity Loan Fund for Rural Small Businesses

The Minnesota Department of Energy and Economic Development/Governor's Council on Rural Development (MnDEED/GCRD) is requesting proposals from qualified individuals interested in working with MnDEED/GCRD on a project to design and establish an equity loan fund for rural small businesses.

The fund will be designed and established primarily to assist very small rural businesses, either already established or new start-ups, who cannot qualify for U.S. Small Business Administration financing solely because of a lack of equity in the business. Proposals are being requested to complete the following major project activities.

- A. Program design
- B. Team Development
- C. Solicitation of private corporations and foundations
- D. Establishment of the fund
- E. Implementation of the lending activity

It is estimated that the cost of designing and implementing the fund need not approach but shall not exceed \$35,000. Proposals should be received by MnDEED/GCRD no later than 4:30 p.m. Friday, October 14, 1983. The formal Request for Proposals may be requested and inquiries should be directed to:

Jane Stevenson, Program Manager
Governor's Council on Rural Development
Department of Energy and Economic Development
100 Hanover Building
480 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 296-3591

STATE CONTRACTS

Metropolitan Council of the Twin Cities Area

Notice of Request for Proposals for Evaluation of Potential Landfill Sites

The Metropolitan Council solicits proposals for entering into a contract for the preparation of a report on the evaluation of potential landfill sites for disposal of municipal solid waste. Six copies of the proposal should be submitted to the Metropolitan Council, Suite 300, 7th and Robert Sts., St. Paul, Minnesota 55101. Attention Carl Michaud.

The council, by this Request for Proposal, does not promise to accept the lowest, or any other proposal and specifically reserves the right to reject any or all proposals, to waive any formal proposal requirements, to investigate the qualifications and experience of any proposer, to reject any provision in any proposal, to obtain new proposals, or to proceed to do the work otherwise. All proposals received on or before 4 p.m., Sept. 27, 1983 will be considered by the council. In the event a proposal is accepted, the council will notify the successful proposer in writing within 30 days following its consideration of the proposal.

The Metropolitan Council hereby notifies all bidders that businesses owned and controlled by minorities or women will be afforded maximum feasible opportunity to submit bids and/or proposals and will not be subjected to discrimination on the basis of race, color, sex, age, religion, ancestry, handicap, public assistance status, marital status, national origin, or political affiliation.

Copies of the Request for Proposal can be obtained by contacting Mr. Carl Michaud at (612) 291-6579.

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 Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Special Meeting of Board

The Board of Architecture, Engineering, Land Surveying and Landscape Architecture will meet Tuesday, October 4, 1983 at 9:30 a.m. in Hearing Room A, Department of Commerce, Fifth Floor, Metro Square, St. Paul.

Department of Energy and Economic Development Criminal Justice Program

Notice of Meeting

The Juvenile Justice Advisory Committee will meet on Friday, September 23, 1983 at 9:00 a.m. in the Conference Room in the Cable Communications Building, 500 Rice Street, St. Paul, Minnesota.

Metropolitan Council of the Twin Cities Area

Notice of Preliminary Review Schedule for Housing Chapter, Metropolitan Development Guide

The Housing Chapter of the Metropolitan Development Guide (Housing Guide) is the council's major regional housing policy document and includes the council's review guidelines as well. It is used by the council in making its housing-related decisions.

and it is intended to be looked upon as a guide to municipalities, developers and others involved in the housing decision-making process. It is also used by the council in its review of local housing plans, proposals for housing developments of all types and in all locations, and in other related review and ranking activities.

The current Housing Guide was adopted by the Metropolitan Council in 1976. Since 1976, several parts of the Housing Guide have been amended, and area housing needs and resources have changed considerably. Housing information and experience have expanded since 1976 and now include the Housing Market Studies, annual Subsidized Housing Activity Reports, a series of joint Council-Association of Metropolitan Municipalities reports on local housing regulations, housing information from almost 200 local comprehensive plans, and the experiences of HUD, the Minnesota Housing Finance Agency, Metro HRA and local HRA's in providing housing assistance to thousands of low and moderate income households.

Because of changes in the Area's housing conditions and needs, the Metropolitan Council has begun a process of revising its Housing Guide, to be completed by the end of 1984. Using the information outlined above, as well as the thoughts and ideas of numerous individuals and groups throughout the area, council staff will prepare several issue papers to stimulate discussion on area housing issues and needs. Three public meetings will be held. Using the ideas generated at the public meetings, staff will then prepare a hearing document, a final public hearing will be held, and the document will be considered for adoption by the council in December, 1984.

HOUSING GUIDE CHAPTER REVISIONS SCHEDULE

1983

- Oct. 6 Public Meeting #1—Housing Needs Assessment
- Dec. 1 MCD Committee discussion—Housing Policy: Housing Market, Housing and the Economy
- Dec. 22 MCD Committee discussion—Housing Policy: Government Responsibility for Housing

1984

- Feb. 16 MCD Committee discussion—Housing Policy: Goals and Objectives
 - Mar. 22 Public Meeting #2—Housing Policy
 - July 5 MCD Committee discussion—Housing Review Guidelines
 - July 26 Public Meeting #3—Housing Review Guidelines
 - Aug. 23- MCD Committee consideration of full Hearing Document
 - Sep. 13
 - Nov. 1 Public Hearing (record open until Nov. 10)
 - Dec. 13 MCD Committee action on final document and hearing comments
 - Dec. 27 Metropolitan Council adoption
- HD014A

Metropolitan Council of the Twin Cities Area

Metropolitan Highway Right-of-Way Revolving Fund

Notice of Public Hearing

The Metropolitan Council will hold a public hearing on Wednesday, Oct. 12, 1983, at 1:30 p.m. in the Metropolitan Council offices, 300 Metro Square Building, St. Paul, Minnesota 55101. The record will remain open until Oct. 22, 1983. The hearing is to obtain comments on proposed guidelines and procedures for distributing funds from a highway right-of-way reservation revolving fund established by Minn. Statutes § 473.167, subd. 2. The fund is designed to permit municipalities and counties to purchase land parcels to protect proposed metropolitan highways threatened by imminent development.

For a copy of the document, proposed Guidelines to Allocate Funds for Metropolitan Highway Rights of Way, publication no. 26-83-117, call the Communications Department at 291-6464. To speak at the hearing, call Shirlee Smith, Communications, at 291-6421. For information about the guidelines, call Council planner Connie Kozlak at 291-6346.

Gerald Isaacs, Chairman
Metropolitan Council

OFFICIAL NOTICES

Department of Public Safety Driver and Vehicle Services

Notice of Appointment of Deputy Registrar

Notice is hereby given that a deputy motor vehicle registrar position is vacant in Austin, Minnesota. This vacancy will remain open until October 3, 1983, after which time the Commissioner of Public Safety will appoint a deputy registrar. Inquiries may be directed to:

Department of Public Safety
Driver and Vehicle Services Division
Room 161 Transportation Building
St. Paul, Minnesota 55155

The person who is appointed to this position must show that the following criteria will be met:

1. Office space of at least 400 square feet for exclusive processing of applications.
2. A safe or vault, a secure storage area, outdoor sign, and accessibility to handicapped.
3. Must post a bond.
4. May not be operated in conjunction with motor vehicle insurance or sales of cars.

Paul J. Tschida
Commissioner of Public Safety

Minnesota Public Utilities Commission

Proposed Rules Governing Utility Delinquency Charges

Amended Notice and Order for Hearing

Notice is hereby given that the public hearing in this matter originally scheduled for Tuesday, September 13, 1983 has been rescheduled. A public hearing will now be held pursuant to Minn. Stat. § 14.14, subd. 1, on Thursday, October 20, 1983, in the U.S. Courthouse, 316 North Robert Street, Courtroom 588, St. Paul, Minnesota 55101, commencing at 9:30 a.m. and continuing until all persons or representatives of associations or other interest groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

In all other respects the Notice and Order for Hearing dated July 5, 1983, and published in the *State Register* on July 18, 1983 at 8 S.R. 82 to 8 S.R. 84, is unchanged.

Order

1. A public hearing shall be held on October 20, 1983 in the U.S. Courthouse, 316 North Robert Street, Courtroom 588, St. Paul, Minnesota, 55101, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.
2. This amended notice and order shall be mailed to all persons who have registered their names with the commission for the purpose of receiving notice of rulemaking.
3. This amended notice and order shall be published in the *State Register*.

September 7, 1983

Randall D. Young
Executive Secretary

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 55155-1299; (612) 296-2805. Application deadline is October 11, 1983.

PLAN REVIEW COMMITTEES have 81 vacancies open for the following counties: (9 members from each county) St. Louis, Lake, Renville, Redwood, Yellow Medicine, Sherburne, Stearns, Morrison and Benton. The committees have been designated for "study areas" by the Waste Management Board for further analysis as possible locations for a crystalline bedrock hazardous waste repository. Each committee will develop specific recommendations for the Waste Management Board on the state's overall Hazardous Waste Management Plan; the certificate of need for a hazardous waste disposal facility, and policies to mitigate and compensate local communities for impacts resulting from a hazardous waste disposal facility. The committees will also serve as liaisons between the board and residents in and near the study area. The Governor is the appointing authority. Meetings are bi-weekly. Expenses and per diem may be available. For specific information contact the Plan Review Committees, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

ASSESSORS BOARD has 1 vacancy open for a public member. The board licenses assessors and provides continuing education for assessors. Members are appointed by the Governor. Members must file with EPB. Monthly meetings are held. For specific information contact the Assessors Board, 2nd Floor, Centennial Office Bldg., St. Paul 55145; (612) 296-5040.

DEPARTMENT OF ECONOMIC SECURITY ADVISORY COUNCIL has 8 vacancies open immediately for 1 public member, 3 labor members and 4 business members. The council aids the commissioner in formulating policies and discussing problems relating to the administration of the Minnesota employment services law. Members are appointed by the Commissioner of the Department of Economic Securities for terms which will end on the first Monday of January, 1987. Monthly meetings are held; members receive \$35 per diem plus expenses. Minorities, women and small business are currently underrepresented on the council and the council encourages them to apply. For specific information contact James L. Haynes, 720 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 297-2809.

MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE has 2 vacancies open immediately for 1 professional, obstetrics/perinatal member and 1 local board of health representative. The task force shall review and report on the health care needs of mothers and children throughout the state of Minnesota. Also review and report on the type, frequency and impact of existing maternal and child health programs, including programs administered by the Commissioner of Health. No members shall be employees of the State Board of Health. Members receive expenses. For specific information contact the Maternal and Child Health Advisory Task Force, Dept. of Health, Community Services Division, 717 Delaware St. S.E., Mpls. 55440; (612) 623-5377.

OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL has 1 vacancy open for a labor member. The council advises the Department of Labor and Industry on administration of the state Occupational Safety and Health Act. Members are appointed by the Governor and receive \$35 per diem. Meetings are at the call of the chairperson at the Space Center Bldg. For specific information contact the Occupational Safety and Health Advisory Council, Space Center Bldg., 444 Lafayette Rd., St. Paul 55101; (612) 296-23342.

Department of Transportation

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

Order No. 68172

Whereas, the Commissioner of Transportation has made his Order No. 67790 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

Whereas, the commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota § 169.832,

It is hereby ordered that Commissioner of Transportation Order No. 67790 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

- TH 32 —From Jct. TH 2 (Marcoux) to Red Lake Falls (effective date changed from 12/1 to 10/1)
- TH 52 —From Olmsted County Road 15 to South Goodhue County Line (effective 5/15)
- TH 53 —From South Jct. TH 169 (Virginia) to Potlatch Plant 5 miles south of Cook (effective 5/15)
- TH 63 —From Rochester to Wabasha County CSAH 62 (Lake City) (the effective date is changed to July 15 from August 1)
- TH 89 —From Grygla Elevator Entrance westerly to Jct. TH 219 (effective 12/1)
- TH 91 —From Nobles County CSAH 28 at Adrian to I-90 (effective 5/15)
- TH 92 —From 2 miles west of Jct. TH 222 to Jct. TH 222 (effective 7/1)

OFFICIAL NOTICES

TH 200—From West Mahnomon County Line to Jct. TH 59 (effective 5/15)

TH 219—From Jct. TH 89 to Goodridge (effective 12/1)

COUNTY ROADS

McLeod County—CSAH 32

From West Jct. TH 212 to East Jct. TH 212 at Brownton (effective 5/15)

Waseca County—CSAH 2

From CSAH #3 to CSAH #27 (effective 5/15)

CSAH #4

From CSAH 23 to TH 14 (effective 5/15)

CSAH #27

From CSAH 9 to CSAH 2 (effective 5/15)

CSAH #57

From CSAH 57 to CSAH 14 (effective 5/15)

All references to CR 53 should now be referred to CSAH 27

Winona County—Remove the following road from TH 10 Ton Designation County Road 23 From 23 From Jct. TH 14 to Jct. TH 61 at Minnesota City.

Dated this 12th day of September, 1983.

Richard P. Braun
Commissioner

STATE OF MINNESOTA

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 \$130.00
- _____ Trial subscription (13 weeks) \$40.00
- _____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1982-83 A 750-page reference guide to services provided by Minnesota agencies.

- _____ Single copy now \$4.50 + \$.27 sales tax = \$4.77* each

Session Laws of Minnesota—1982. One volume. Laws enacted during the 1982 legislative session. Inquire about back volumes. \$35 + \$2.10 (sales tax) = \$37.10.*

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

- _____ *State Register Binder* \$6.50 + \$.39 (sales tax) = \$6.89* each

State Register Index. Contains cumulative findings aids to Volume 6 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index. _____ Single copy \$5.00

Worker's Compensation Decisions. Volume 36. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service. _____ Annual subscription \$80.00

Minnesota Outdoors Catalog—1983. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

- _____ FREE COPY

*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."

EACH ORDER MUST INCLUDE ADDITIONAL \$1.50 FOR POSTAGE AND HANDLING.

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