

# State



STATE OF  
MINNESOTA

# Register

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Governor

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Department of Administration

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# EXECUTIVE ORDERS

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## Emergency Executive Order No. 131

### Providing for Assistance to City Officials of Minnesota

I, Wendell R. Anderson, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, officials of the City of Saint Cloud request assistance in the control of fires within their area of responsibility; and,

WHEREAS, the scope and nature of such fire is beyond the capabilities and resources of the city officials:

NOW, THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty on and after 2 November 1976, in the service of the state, such elements of the military forces of the state as required, and for such period of time necessary to successfully contain such fires.
2. Cost of subsistence, transportation and fuel, and pay and allowance of said individuals will be defrayed from the General Revenue of the State as provided for by Minnesota Statutes, Section 192.49, Subdivision 1; Section 192.51 and Section 192.52.

This order shall be effective immediately and shall remain in force until such date as elements of the military forces of the state are no longer required.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 2nd day of November, 1976.

*Wendell R. Anderson*

# RULES

## State Planning Agency Implementation of the Minnesota Rail Service Improvement Program

### Rules as Adopted

#### SPA 260 General provisions.

A. Authority. The State Planning Agency is authorized to adopt rules and regulations necessary to carry out the provision of "the Minnesota Rail Service Improvement Act" pursuant to Laws of 1976, ch. 204, § 5.

B. Purpose. The purpose of the Minnesota Rail Service Improvement Program and these regulations is to improve rail service by providing state funds in a revolving account for the establishment of contracts according to certain guidelines between the state, rail users, and railroads for rehabilitating needed rail lines.

C. Definitions. The following terms as they appear in these rules and regulations shall have the following meanings:

1. "Act" means the Minnesota Rail Service Improvement Act, Laws of 1976, ch. 204, § 5.

2. "Agency" means the Minnesota State Planning Agency.

3. "Rail Line" means railroad roadbeds, right-of-way, track structure and other appurtenances of railroad right-of-way, including, but not limited to, public-use sidings.

4. "Railroad" means a common carrier by railroad as defined in Section 1 (3) of the Interstate Commerce Act 49 U.S.C. § 1 (3).

5. "Rail User" means any financially responsible shippers, consignors, consignees, or other entities, including political subdivisions of the state or legal organizations of such entities, that depend upon the movement of goods by rail service and that offers financial assistance in maintaining or improving that rail service.

6. "Rehabilitation" means reconstructing a rail

line or portions thereof in order to improve rail service or to construct a new rail line to replace the existing one.

7. "Rehabilitation Program" means the program for providing state funds for establishing contract to rehabilitate rail lines as provided for in the Act.

8. "State Rail Plan" means the plan prepared by the Agency as provided for in the Act.

9. "State Rail Service Improvement Account" means the special revenue account created in the state treasury by the Act.

10. For purposes of these regulations, certain terms or words shall be interpreted as follows: The word "shall" is mandatory, not permissive; the word "may" is permissive.

#### SPA 261 Program criteria.

##### A. Eligibility.

1. Rail line. A rail line, or portions of the rail line, is eligible if it does not meet Class II Standards according to the Federal Railroad Administration, Office of Safety, Track Safety Standards or if it does not have the required strength to support railroad cars whose gross weight is 263,000 lbs. or more; and if it is within the physical boundaries of Minnesota or predominantly serves rail users in Minnesota.

2. Project. A rail project is eligible for funding if it has both a responsible rail user and a railroad that are willing to enter into a contract for rehabilitation according to guidelines set down in these rules and regulations.

##### B. Project funding.

1. The Agency may, within program fund limitations, provide eligible projects with up to two-thirds of the total amount of the contract. The extent of state participation shall be determined by the Agency according to the following factors:

a. the ability of a railroad and rail users to participate financially in the project.

b. the probability of the line profiting over a long period of time.

c. the probable social and economic impact on

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communities, regions, and state if the rehabilitation is not carried out.

d. the availability of state program funds.

2. Rail users shall provide a minimum of one-third and may provide up to two-thirds of the total contract amount. Railroad participation may be up to two-thirds of the total contract amount.

3. In-kind participation. Participation in a contract by any party may include non-monetary contributions such as materials, labor, land, or other contributions if agreed to by all parties of the contract. Amount and fair market value of all in-kind participation shall be clearly set out in the contract.

C. Priority criteria. The following criteria shall be used to establish the priority of projects proposed for funding until such time as the State Rail Plan, as prepared by the Agency, is completed and approved of in formal hearings. At such time, the priority criteria identified in the State Rail Plan shall take effect. Until such time, higher priority shall be given to projects that:

1. have a higher committed non-state share of project costs

2. have greater potential traffic volume per mile of track

3. have greater potential of repaying the rehabilitation costs

4. have less available alternative transportation facilities

D. Standards.

1. Operation. Railroad service shall be provided by the railroad to adequately meet the needs of the rail users within the constraints of Interstate Commerce Commission (ICC) regulatory requirements and operational limitations. The Agency or rail users may bring a complaint before the ICC to force the provision of adequate service. The contract shall stipulate a desired level of service on the rehabilitated line during the effective period of the contract.

E. Rehabilitation. Rail rehabilitation shall be carried out to the extent that it allows the use of 263,000 pound gross weight railroad cars and meets Federal Railroad Administration, Class II, Track Safety Standards. The state shall not participate in contracts that allow for less than the above standards and shall not contribute to the additional cost of rehabilitating the line in excess of these standards.

SPA 262 Program administration.

A. Applications.

1. Railroad applications. Applications from railroads shall include:

a. a description of the rehabilitation project proposed, including the extent of rehabilitation proposed.

b. the estimated cost of rehabilitation

c. the amount of traffic on the line

d. present and projected operational and maintenance costs

e. present and projected revenues attributed to the railroad from shipments on the line

f. a list of the shippers and receivers on the line

g. the amount of funding the applicant is prepared to invest in the project

2. Rail user applications. Applications for rehabilitation from rail users shall include:

a. a description of the project proposed

b. the amount of traffic on the line

c. the amount of potential traffic on the line

d. the amount of shipping done by truck

e. the rates for both truck and rail shipping

f. a list of shippers and receivers on the line

g. the amount of funds the rail users on the line are prepared to contribute to the project

3. The Agency may provide application forms and may request further information from an applicant or other potential parties to the contract to aid in the establishment of eligibility and priority.

B. Determination of eligibility. Upon receipt of application and all required information, the Agency shall determine whether or not a line is eligible. The Agency shall then contact the other potential party to the contract to determine whether that party is willing to participate in a rehabilitation project, and if so to what extent. If there is a rail user, a railroad, and the state, prepared to enter into a contract and if the proposed amount of funds equals the total project cost and all

## RULES

other requirements are met, the project shall be declared eligible and a priority ranking made.

C. Priority ranking. Priority ranking shall be based on criteria identified in SPA 261 D. of these rules and regulations. Information requested and not received or not arranged for within 30 days of the request may be considered adequate reason for the elimination of the project from consideration for funding.

### D. Contract.

1. Contracts for rehabilitation projects may include but may not necessarily be limited to the following provisions:

- a. the specific portions of trackage and rail line to be rehabilitated
- b. the level of rehabilitation to be done
- c. the plans, specifications, and estimates of materials, cost, and time.
- d. the amount of funds, or other items of value, to be contributed by each party to contract
- e. set a desirable level of service to be provided on the rehabilitated line during the contract effective period
- f. assurance that maintenance shall be performed on the line by the railroad
- g. method of administering the contract
- h. schedule for the repayment of funds to the rail users and the state
- i. maximum length of the contracts
- j. maintenance of records and audits
- k. other special features of the contract

2. Projects shall be processed and negotiated in order of priority ranking. Projects that are not finalized within a reasonable period of time as judged by the Agency may be bypassed and the next lower project negotiated and funded.

E. Repayment requirements. The railroad shall reimburse a rail user for funds it has contributed to a

project based on a repayment schedule of dollars per carload of freight shipped. The reimbursement which shall be paid at regular intervals shall be based on the total number of railroad cars shipped by rail user until full payment is made. The railroad shall reimburse the state for funds it has contributed to the project in the following manner:

1. State funds that are contributed and which are in excess of one-third of the total contract amount shall be repaid directly upon the completion of repayment of the rail user and on generally the same basis as the rail user or as agreed upon in the contract.

2. State funds contributed up to one-third of the total contract amount shall be repaid from revenues received from traffic on the line which exceeds the traffic on the line for the average of the three years prior to rehabilitation. Repayment of this amount shall start upon completion of repayment of rail user funds and state funds in excess of one-third of the total contract amount.

F. Length of contract. The term of the contract shall be long enough to allow for the repayment of all funds in the contract based on a reasonable projection of potential traffic levels. State contributed funds not repaid by the time the contract expires shall be forgiven. The contract shall be extended in the event of, and for as long as, any cessation of service for any reason or any reduction of service below desirable service level as provided in the contract unless such reduction in service is the result of no demand for service.

G. Separate railroad account. A railroad may be permitted to establish and maintain a separate railroad fund to be used exclusively for rehabilitation of its other rail lines in Minnesota if the railroad can give good cause, such as legal prohibition against repayment, for not making repayment to the State Rail Service Improvement Account. Funds in such separate railroad account may only be utilized by the railroad for eligible projects as described in paragraph SPA 261 A.2. of these rules, and only if such eligible project would have been funded at that time from the State Rail Service Improvement Account as determined by the State Planning Agency. The Agency may require a railroad to deposit or invest the funds according to the instructions of the Agency and to deposit all interest and earnings received on such funds into the separate railroad account. A railroad which has funds in separate railroad accounts but which does not have eligible lines to upgrade may

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## **RULES**

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return those funds to the State Rail Service Improvement Account as a gift.

**H. Program implementation.** The Agency may receive applications at any time. On January 1, 1977, the Agency shall make a determination of eligibility of lines and projects and establish a priority for those projects which are eligible for funding. In the event that new appropriations are made to the program or that funds remain after the disposition of already approved

project, the Agency may make public notice, set a new application deadline date, and make a new priority ranking of eligible applications received.

**I. Exceptions.** In the event of unusual circumstances, exceptions to these rules may be made for any particular rehabilitation contract if agreed to by all parties. No exception shall be made if such exception would be contrary to the intent of the program or if such exception would preclude the equal treatment of competing projects.

# PROPOSED RULES

## Department of Agriculture Deletion of Seed Tax Permit Number and Changes in Laboratory Testing Fees Schedule

### Notice of Hearing

Notice is hereby given that a public hearing on the above-entitled matter will be held in Room 83 (Auditorium) of the State Office Building, Wabasha Street and Aurora, Saint Paul, Minnesota on December 20, 1976, commencing at 9:30 a.m., or as soon thereafter as possible and in the Lecture Hall, Room L 524, Library Building, Fergus Falls Community College, Fergus Falls, Minnesota on December 21, 1976, commencing at 9:30 a.m., or as soon thereafter as possible, and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Allan Klein, Esq., Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-6910 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would (1) delete from present regulations (Agr 165) the requirement for the seed tax permit number to appear as part of the label since this is no longer a statutory requirement, and (2) provide for a schedule of laboratory testing fees that is more realistic in comparison with current costs of labor, equipment, and materials (Agr 169). Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. § 21.57 (1974). A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or Office Building, Saint Paul, Minnesota 55155, as a lobbyist associations attempting to influence administrative action, such as the promulgation of these rules, must register with the Minnesota State Ethical Practices Board; 410 State

within five days of the commencement of such activity by the individual.

Jon Wefald  
Commissioner of Agriculture

### Rules as Proposed

#### Chapter Eight: Agricultural Seeds

[Agr 165 Statement on analysis label required. Any person who has been granted a permit by the commissioner of agriculture to sell in Minnesota seeds which conform to and are labeled under Minn. Stat. § 21.48, without the use or attachment of tags or stamps purchased from the commissioner shall show as part of his analysis label on all agricultural seeds sold or exposed for sale in Minnesota the following statement in eight point capital bold type:

"MINNESOTA SEED TAX PERMIT NO. . . . ."  
The word "Minnesota" may be abbreviated "Minn."]

#### Agr 169 Charges for excess testing and identification of seed.

A. The charges (fees) for testing and identification of seed in excess of the number of free tests allowed by law shall be:

1. [75 cents each] **F**[f]or germination test of **single seed samples, \$1.50 each;**
2. **For germination test of seed mixtures, \$1.50 plus an additional 75 cents for each component seed present at a rate of 5 percent or more of the mixture;**
3. For purity test and identification of weed seeds:
  - a. **\$2.00** [75 cents] each for wheat, oats, barley, rye, emmer, vetch, beans, cane, corn, flax, peas, sudan grass, buckwheat, cereal mixtures and noxious weed seed examinations;
  - b. **\$2.00** [\$1.00] each for millet, alfalfa, red clover, sweet clover, rape, sweet sudan grass, timothy, rye grass, alsike clover and reed canary grass;
  - c. **\$3.00** [\$1.50] each for white clover, all mixtures of clovers, orchard grass, brome grass, fescues, wheat grasses and timothy and clover mixtures;
  - d. **\$4.00** [\$3.00] each for blue grasses, reedtop and bent grasses; **and,**
  - e. **\$6.00** [\$4.00] each for lawn mixtures.
- B. The commissioner **shall** [will] make a suitable charge for testing and identification of any other seeds.

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## EQC Monitor Environmental Quality Council

### Actions Taken at October 29, 1976 EQC Special Meeting

1. Found that the proposed closing of one block of Nicolet Avenue in City of Minneapolis was a major governmental action without potential for significant environmental effects and no environmental impact statement (EIS) is required.

2. Found that the proposed Countryside West residential development in Bloomington is a major private action of not more than local significance and without potential for significant environmental effects and no EIS is required.

3. Accepted proposed power line route segments for consideration at hearing from Lake of the Woods County and City of Chisholm for EQC Docket #NSP-TR-1.

(End of EQC Monitor)

## Department of Commerce Insurance Division Revision of Worker's Compensation Insurance Rates in the State of Minnesota

### Notice of Proposal

The above entitled matter came before Myron Greenberg, Hearing Officer appointed by the Insurance Commissioner of the State of Minnesota, on the 26th, 27th, 30th and 31st days of August, 1976 in the State Office Building, in the City of St. Paul, State of Minnesota. The public hearing dealt with the proposal of the Minnesota Compensation Rating Bureau for a revision of Worker's Compensation insurance rates. This proposal is on file in the Office of the State Insurance Division, Metro Square Building, St. Paul, Minnesota.

A Notice stating the time and place of said hearing, and that said proposal would be available for inspection in the office of the Insurance Division was published in the *State Register* on July 27, 1976. Notices were also sent to all

parties known to be interested in Worker's Compensation rates.

The Bureau's proposal was presented by representatives of the Minnesota Compensation Rating Bureau in accordance with Minn. Stat. § 79.11, and duly recorded by reporter, Nancy Duehn. The Hearing Officer received testimony from those requesting to be heard and their statements were recorded by the reporter. The Hearing Officer also received all exhibits offered relative to the proposal.

Prior to commencement of the hearing the Minnesota Transport Services Association, through its counsel, petitioned to intervene as a party to the hearing. Said petition was duly denied by the Hearing Officer. Legal argument relative to the petition to intervene was received by the Hearing Officer and has been included in the record made available to the Commissioner.

The Hearing Officer has forwarded to the Commissioner of Insurance the transcript of the Hearing. The Commissioner of Insurance has considered the evidence therein, the proposal, and the exhibits offered. He has made use of all experience, records, and reports available to him and the Insurance Commissioner makes the following summary of the proposal submitted by the Minnesota Compensation Rating Bureau.

The proposal requests an effective date of October 1, 1976 for all changes set forth therein.

(1) The Medical and Indemnity rate levels, as shown in Exhibit A, are determined by the Examination of and sampling of past statistics of insurance carriers presently writing Worker's Compensation insurance in Minnesota. These statistics are filed as a result of a special call made by the Insurance Division. This call records the premium and losses for each carrier by policy year writings. Each successive annual reporting records the changes in premiums and losses, paid and incurred, as previously reported. From these policy year reportings calendar year retrogression premiums and loss development factors are determined. The development factors are used to mature the policy years of January 1, 1973 through December 31, 1973 and January 1, 1974 through December 31, 1974, evaluated as of December 31, 1975. Policy year data has been adjusted to current premium and law levels. The modified average loss ratio of the policy years 1973 and 1974 is .645 which, when divided by the permissible loss ratio of .612, produces an average indicated rate level of 1.054.

(2) The proposal submitted by the Minnesota Compensation Rating Bureau and the exhibits offered in support thereof, provide for an increase of 5.4% in the overall average rate level due to experience. This overall average rate level increase is distributed to industry groups as follows:

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Manufacturing	9.2%
Contracting	9.5%
All other	1.5%

(3) The Bureau proposes a modification of previous procedures by introducing a Rate Level Adjustment Factor. The expressed purpose of the Rate Level Adjustment Factor is to inject a body of statistical experience that is more current than that available by the methods used in previous years. In this proposal the Rate Level Adjustment Factor represents an increase of 1.9% on all classifications.

(4) The Bureau proposal also introduces a Trend Factor. This Trend Factor is designed to capture, in the rate structure, the deleterious effects of the present inflationary economy. This is done by mathematical process which tracks the past five years and develops from that tracking a projection of the proposed rates to the mid point of the rating period, which is October 1, 1977. In this proposal, the Trend Factor represents an increase of 8.6% on all classifications.

(5) With the addition of Rate Level Adjustment Factor and Trend Factor, the proposed overall rate level would be an increase of 16.7% based on the following breakdown by industry groups and calculated as follows:

Industry Group	Change due Experience	Rate Level Adjust. Factor	Trend Factor	Final Change in Manual Prem. Lev. (1)×(2)×(3)
Manufacturing	1.092	1.019	1.086	1.209
Contracting	1.095	1.019	1.086	1.212
All Other	1.015	1.019	1.086	1.124
Overall	1.054	1.019	1.086	1.167

(6) The Bureau proposal introduced a change in the method of calculating minimum premiums. In their proposal they advise that this method is designed to produce a true policy Minimum Premium not dependent primarily on the rate but one which would be more representative of the actual expense of issuing a policy.

(7) The proposal of the Minnesota Compensation Rating Bureau provides for a method of correcting the credit off-balance of the experience rating plan by using the ratio of earned to manual premiums. Use of this method produces a factor of .930 which represents the credit off-balance of the experience rating plan. The off-balance is converted to industry group differentials and so applied.

(8) The Bureau proposal reflects a change in the Special Compensation Fund Assessment Multiplier. The proposed multiplier is 1.096. This was based on an assumption that the 17% Special Compensation Fund Assessment effective January 1, 1976, was the best projection of the future assessment rate. The Bureau proposal reflects a Basic Tax Multiplier of 1.028%. This is the same as last year.

(9) The 1975 Rate Order directed the Bureau to review the Premium Discount schedules with a view to adopting to a single Premium Discount Schedule. The Bureau's current proposal suggests that the dual Premium Discount Plan be maintained.

(10) The Bureau proposed that the Expense Allowances remain the same as approved in the 1975 Rate Order which are as follows:

Acquisition	17.5%
Taxes	2.7%
Profit and Contingencies	2.5%
Claim Adjustment	7.7%
General Expenses	8.4%
<b>Total</b>	<b>38.8%</b>

## Findings of Fact

(1) Adjusting Worker's Compensation insurance rates as set forth below would result in minimum, adequate, fair, and reasonable rates within the purview of Minn. Stat. § 79.07.

(2) The average overall rate level shall be increased 5.4% effective October 1, 1976 on new and renewal business.

(3) The required correction for the credit off-balance in the experience rating plan is 1.075 which is the reciprocal of .930 which is the ratio of earned premium to manual premium.

(4) The twenty-four (24) months policy period from January 1, 1973 through December 31, 1974 reveals earned premiums on a modified basis in the amount of \$368,185,828, incurred losses in the amount of \$237,406,160 and a modified loss ratio of .645. When this .645 loss ratio is compared to the permissible loss ratio of .612 (.645 divided by .612) the result is an indicated premium level increase due to experience of 5.4%.

(5) The Special Compensation Fund Assessment shall again be treated independently of the Basic Tax Multiplier in the retrospective rating formula. The Basic Tax Multiplier shall be 1.028 and the Special Compensation Fund Assessment Multiplier shall be 1.096.

(6) It was the order of the Commissioner, as is shown in the Findings of Fact in the 1975 Worker's Compensation Rate Order, that the Bureau's 1976 proposal was to incorporate a single Premium Discount. The Bureau's 1976 proposal included a study purporting to justify the continuance of the dual Premium Discount plan. In my judgment their proposal fails to justify the continuance of the dual Premium

## OFFICIAL NOTICES

Discount plan. Such reasons as there may have been for the existence of two premium discount schedules appear no longer applicable and the Bureau's plea for the continuance of two schedules appears to be largely based on tradition and convenience.

(7) The need at this time for the Rate Level Adjustment Factor has not been adequately established. It represents a change in the previous formula and a change of such magnitude deserves further study to show what effect its presence would have had on previous proposals and on previous experience.

(8) The proposal on Trending represents a dramatic change from past procedures and would substantially affect premium payments of Minnesota employers. Trending, as proposed by the Bureau, is hereby rejected. Among other objections to the Trend Factor, there are two main reasons for this rejection. First, I do not believe that testimony on behalf of the Bureau proved a need for such trending. Indeed, proper reserving seems to constitute trending. Second, Exhibit F entitled "Memorandum — Trending Procedure" which was filed by the Bureau clearly states that a study of this concept will take time to complete. I believe that the study must be completed before further action can be justified.

(9) The proposed method of calculating Minimum Premium is not accepted. The impact of the proposed change on affected classes is not sufficiently clear to permit a change at this time.

### Conclusions and Order

Minnesota Worker's Compensation Insurance Rates shall be increased an average of 5.4% effective October 1, 1976 on new and renewal business only in order that minimum, adequate, fair and reasonable rates may be effected.

It is hereby ordered that current Worker's Compensation Manual Rates be increased by an average of 5.4%.

Said increase to be distributed to industry categories according to the formula appearing in exhibits filed by the Minnesota Compensation Rating Bureau as follows:

Manufacturing	9.2% increase
Contracting	9.5% increase
All Other	1.5% increase

Said increase of 5.4% to become effective October 1, 1976 on new and renewal business only.

It is further ordered that there be no change in Expense Allowances and that they be as follows:

Acquisition	17.5%
Taxes	2.7%
Profit & Contingencies	2.5%
Claim Adjustment	7.7%
General Expenses	8.4%
Total	38.8%

It is further ordered that effective January 1, 1977, there shall be one Premium Discount schedule. The Premium Discount percentages shall be as follows:

First \$ 1,000	—
Next \$ 4,000	9.%
Next \$ 95,000	14.7%
Over \$100,000	16.3%

No company shall be permitted to elect a change in their present Premium Discount schedule from the date of this Order through December 31, 1976. All companies must adopt the schedule set out above as of January 1, 1977.

The application of that part of the Rate Order affecting Premium Discount schedules shall be to new and renewal policies written effective January 1, 1977 or later.

It is further ordered that the Minimum Premium rule as promulgated in the 1975 Rate Order shall continue without change.

It is further ordered that effective October 1, 1976 for purposes of calculating premium written on a retrospective rating plan, the Basic Tax Multiplier shall be 1.028 and the Special Compensation Fund Assessment Multiplier shall be 1.096. The product of these multipliers produces a Retrospective Tax Multiplier of 1.127.

Such changes as are herein ordered will be recorded in the Basic Manual of Rules, Classifications and Rates for Worker's Compensation and Employers' Liability Insurance filed with the Insurance Division of the State of Minnesota.

Berton W. Heaton  
Commissioner of Insurance

## Department of Natural Resources Designations of Public Waters

### Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Department of Natural Resources and the counties of the state are continuing the

process which they began earlier this year of identifying those watercourses and water basins in the state which are public waters, and in the case of watercourses, of classifying each one.

The process followed is described in Laws of 1976, ch. 83, particularly in § 8 of that act. In brief, it is a joint venture between DNR and each county to determine which surface waters in the county are "public waters" as that term is defined by Minn. Stat. §§ 105.37 and 105.38 and NR 5200-5204. In addition, DNR and the county classify each watercourse as class I, II, III or IV, and the county decides if it wants to accept a delegation of authority from the commissioner of natural resources to regulate the class III watercourses. DNR and the county establish the terms of the delegation. The list of public waters, together with the watercourse classifications, and the delegation agreement if any, are proposed as a DNR rule. The rules hearing is held in the county by the state office of hearing examiners. No such hearings have yet been scheduled.

Disagreements between the county and DNR are resolved by an independent panel.

The Department of Natural Resources welcomes information and comments from all interested individuals and groups concerning the forthcoming proposed rules. Statements of information and comment may be made in writing, or orally by telephone or in person, to

Department of Natural Resources  
Public Waters Designation Unit  
Centennial Building, 3rd Floor  
St. Paul, Minnesota 55155

(612) 296-4803, ask for Alfred  
Pennell or Paula Schmittiel

or write or call the DNR Hydrologist or Regional Administrator in the region office at Rochester, New Ulm, Brainerd, Bemidji, Grand Forks, or St. Paul.

Gerald D. Seinwill  
Director, Division of Waters

## **State Planning Agency Services for Persons with Developmental Disabilities**

### **Request for Proposals**

The Minnesota Governor's Planning Council on Developmental Disabilities announces that it is seeking proposals from eligible public or private/non-profit organizations with the interest and capacity to undertake the planning/service coordination task (on at least a county/multi-county basis) of establishing the feasibility and outlining the operational standards required for implementing a case planning and management system for individuals having a developmental disability. (A developmental disability is defined as mental retardation, cerebral palsy, epilepsy, autism, or dyslexia that is related to the other conditions.) "Case planning" represents identification of the needs and potentials of an individual, and outlining the services required to meet those needs and potentials. "Case management" involves securing and monitoring the provision of necessary services in a coordinated fashion.

The Request for Proposal guidelines to be used in the preparation of an application are available upon written request from the address listed below. Deadline for receipt of materials is Monday, January 10, 1977 (whether post-marked, or hand-carried). To obtain a Request for Proposal packet, as well as general information, please write to:

Case Management RFP  
Developmental Disabilities Planning Office  
State Planning Agency  
Room 110  
Capitol Square Building  
550 Cedar St.  
St. Paul, Mn. 55101

### **Erratum**

1. 1 S.R. 696: delete boldface from typeface at DPW 44 E.1.b. (4).

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Room 211 Capitol  
St. Paul, Minnesota 55155

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