

State Register

STATE OF
MINNESOTA



HIGHLIGHTS:

Classification for State Aids; Financial Accounting Reporting
—Adopted Rules from the Department of Education

Sale of Livestock at Auction Markets
—Adopted Rule from the Livestock Sanitary Board

Issuance of Licenses for Teachers
—Adopted Rules from the Board of Teaching

Amateur and Professional Boxing in Minnesota
—Proposed Rules from the Board of Boxing

Installation of Plastic Water Well Casing
—Proposed Rules from the Department of Health

Importation of Dogs and Exhibition Livestock
—Proposed Rules from the Livestock Sanitary Board

Fair Share Appeals
—Proposed Rules from the Public Employment Relations Board

Regional Public Meetings on the State Transportation Plan
—Notice from the Department of Transportation

RECEIVED
NOV 1 1977
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155

VOLUME 2, NUMBER 17

OCTOBER 31, 1977

Subscribers Hotline

Phone inquiries regarding subscriptions should be directed to Marjorie Borchard at (612) 296-8239.

How to Cite

Cite all material in the *State Register* by Volume number and page number.
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



Individual copies of the *State Register* may be purchased at either the Office of the State Register or the Documents Section, for \$2.25.

Change of address notices, subscription or single-copy orders and undelivered copies should be sent to:

THE OFFICE OF THE STATE REGISTER
95 Sherburne, Suite 203
St. Paul, Minnesota 55103
296-8239

Materials published in the *State Register* are public records under Minn. Stat. § 15.17. The State of Minnesota has reserved a copyright to cross reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Wednesday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630.

Copyright © 1977 State of Minnesota

Rudy Perpich
Governor

Richard L. Brubacher
Commissioner
Department of Administration

Jeanne Boutang
Editor

Paul Hoffman
Editor

CONTENTS

RULES

Department of Education

Adopted Rules Governing Classification for State Aids, Special Requirements for Secondary Schools, and Financial Accounting Reporting Requirements	915
--	-----

Livestock Sanitary Board

Adopted Rule Governing Sale of Livestock at Auction Markets, Consignment, Community and Other Sales	915
---	-----

Board of Teaching

Adopted Rules Governing Procedures for Issuance of Licenses for Teachers, School Nurses, and Interscholastic Coaches	915
--	-----

PROPOSED RULES

Board of Boxing

Proposed Rules Completely Recodifying and Amending the Existing Rules of the Board	916
--	-----

Department of Health

Commissioner of Health and Water Well Contractors Advisory Council	
Proposed Rules Governing Installation of Plastic Water Well Casing and Receipt of Information	

Regarding Possible Changes to Rules Governing Licensing of Water Well Contractors	926
---	-----

Livestock Sanitary Board

Proposed Rules Governing the Importation of Dogs and Exhibition of Livestock and Poultry in Minnesota	930
---	-----

Public Employment Relations Board

Proposed Rules Governing Fair Share Fee Appeal Procedures, Code of Professional Responsibility for Arbitrators, Arbitrator Selection and Compensation, and Board Appeal Procedures	931
--	-----

OFFICIAL NOTICES

Department of Commerce

Notice of Hearing on Revision of Worker's Compensation Insurance Rates	934
--	-----

Ethical Practices Board

Notice of Meeting and Preliminary Agenda	934
Advisory Opinion No. 36	934

Minnesota State Retirement System

Notice of Meeting	935
-------------------------	-----

Department of Transportation

Notice of Regional Public Information Meetings on Development of a State Transportation Plan ...	935
--	-----

MCAR AMENDMENTS AND ADDITIONS

List of amendments and additions to rules contained in the Minnesota Code of Agency Rules (MCAR) as published in the State Register, Volume 2:

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

SecStat 301, 502-599, 601, 604-699, 902, 903, 1102, 1101-1199, 2101-2106, 2108-2111, 2113, 2115 (proposed)	784
--	-----

Part 3 State Treasurer

TRE 1-14 (proposed)	662
---------------------------	-----

TITLE 2 ADMINISTRATION

Part 1 Administration Department

SBC 101-111, 201-204 (proposed)	837
SBC 6001-6006 (adopted)	173
SBC 6101-6107 (adopted)	806

Part 2 Personnel Department

Persl 4, 9, 11-12, 19, 21-22, 24, 28-29, 31, 39-40, 46-47, 61, 65-66, 68, 82, 85, 97, 106, 109, 129, 131, 133, 135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182, 203, 224-254 (proposed)	254
Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 141, 144, 181, 203 (proposed temporary rules)	50
Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules)	308
Persl 275-285 (proposed)	92

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0563-1.0568 (proposed)	248
Emergency Rules 1, 2 (adopted emergency rules)	128
3 MCAR §§ 1.0583-1.0585 (proposed)	694

Part 2 Livestock Sanitary Board

3 MCAR §§ 2.002, 2.005, 2.042 (proposed)	194
3 MCAR §§ 2.002, 2.040 (proposed)	930
3 MCAR § 2.041 (adopted)	915

TITLE 4 COMMERCE

Part 1 Commerce Department

BD 226, 227 (proposed)	177
Ins 92, 92 (proposed)	183
Ins 180-188 (proposed)	178

Part 3 Public Service Department

PSC 390-395 (adopted)	834
-----------------------------	-----

Part 6 Accountancy Board

Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63, 70-74, 80-84, 110-112, 120-121, 140-141, 150-151, 220-429 (adopted)	145
--	-----

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

AE&LS 9 (proposed)	678
--------------------------	-----

MCAR AMENDMENTS AND ADDITIONS

Part 8 Barber Examiners Board
 BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (proposed) 410

Part 9 Boxing Board
 4 MCAR §§ 9.101-9.124, 9.201-9.215, 9.301-9.306,
 9.401-9.411, 9.501-9.518, 9.601-9.611 (proposed) 916

Part 10 Cosmetology Board
 MSBC 1-8, 20-29, 40-42, 60-66 (proposed) 35
 MSBC 64 (errata) 164

TITLE 5 EDUCATION

Part 1 Education Department
 5 MCAR §§ 1.720-1.725 (proposed temporary rules) 251
 EDU 44, 764, 767-769 (adopted) 915
 EDU 741, 743 (adopted) 693
 5 MCAR §§ 1.0720-1.0724 (adopted temporary) 753
 5 MCAR §§ 1.0764, 1.0767-1.0769 (adopted temporary) 305

Part 2 Higher Education Coordinating Board
 5 MCAR §§ 2.0101-2.0108, 2.0301-2.0310, 2.0401-2.0407,
 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (proposed) 697
 HECB 101-103, 105-108, 301-310, 401-407, 501-507,
 601-607 (proposed) 697

Part 3 Teaching Board
 5 MCAR §§ 3.001, 3.003-3.015, 3.020-3.031, 3.041, 3.050-
 3.054, 3.060-3.086, 3.102-3.103, 3.130 (proposed) 311
 5 MCAR §§ 3.002-3.003, 3.106, 3.108-3.109 (adopted) 915

Part 5 Arts Board
 MSAB 1-8 (adopted) 31

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department
 NR 51, 56 (proposed) 441
 NR 2600, 2610, 2620, 2630, 2640 (adopted) 174
 NR 5020-5026 (proposed) 201
 NR 5300 (proposed) 287
 NR 10 (proposed) 777

Part 3 Environmental Quality Board
 MEQC 72, 73, 76-80, 82 (adopted emergency) 501
 MEQC 71-82 (proposed) 508

Part 4 Pollution Control Agency
 APC 4, 11 (errata) 135
 WPC 43 (proposed) 94
 HW 1-10 (proposed) 521
 SW 1-4, 6, 7 (proposed) 616
 WPC 38 (adopted) 833
 WPC 40 (proposed) 710

Part 5 Water and Wastewater Operator Certification Council
 WWOB 1 (proposed) 675

Part 6 Metropolitan Waste Control Commission
 MWCC 2 518

TITLE 7 HEALTH

Part 1 Health Department
 MHD 145-149 (emergency rules) 381
 MHD 220(a), 224 (proposed) 926
 MHD 268, 279, 294, 304-306, 314-315, (proposed) 420
 MHD 139 (proposed) 674
 7 MCAR § 1.370 (adopted) 832
 7 MCAR §§ 1.521-1.527 (adopted) 829

Part 4 Medical Board
 7 MCAR § 4.012 (proposed) 309

Part 5 Nursing Board
 7 MCAR §§ 5.1002-5.1004, 5.1032-5.1036, 5.1060-5.1061,
 5.1063, 5.1080, 5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036,
 5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082 (proposed) .. 228
 7 MCAR §§ 5.1010, 5.1011, 5.1030-5.1033 (proposed) 755

Part 7 Optometry Board
 OPT 1-8 (proposed) 44

TITLE 8 LABOR

Part 1 Labor and Industry Department
 LS 1-9, 12, 14-18 (proposed) 189
 FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (proposed) 187
 MOSHC 1 (emergency rule) 145
 MOSHC 270-283, 290-306, 310-317, 320-336 (proposed) 149

Part 3 Public Employment Relations Board
 PERB 1, 3, 10, 35, 40-41, 50, 55 (proposed) 931

TITLE 9 LAW

Part 2 Hearing Examiners Office
 HE 102-112, 203-206, 209-214, 216-218, 222 (proposed) 382
 HE 401-418 (adopted temporary rules) 85
 HE 401-418 (proposed) 382

TITLE 10 PLANNING

Part 1 State Planning Agency
 10 MCAR §§ 1.305-1.306 (adopted temporary rules) 146
 10 MCAR §§ 1.305-1.306 (adopted) 673

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department
 DES 94, 129-130, 140-141 (proposed) 443
 11 MCAR §§ 1.5067-1.5070 (proposed) 891
 MoVeh 58 (adopted) 33
 MoVeh 70-82 (adopted) 145
 Liq 1-3, 24-35, 38-39, 56, 67, 71-77, 83-84, 92, 95, 98-100,
 123 (proposed) 96

Part 2 Corrections Department
 CORR 4-12 (adopted) 84
 CORR 4 (errata) 135
 CORR 200-203 (emergency rules) 407

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department
 DPW 30 (proposed temporary rule) 132
 DPW 33 (proposed temporary rule) 133
 DPW 30A, 33A (adopted temporary) 754
 DPW 47 (adopted) 353
 DPW 47 (proposed) 677
 DPW 49 (proposed temporary rule) 234
 DPW 49 (proposed) 617
 DPW 49 (adopted) 245
 DPW 49A (adopted temporary) 507
 DPW 52 (adopted) 34
 DPW 94, 104, 116, 125, 128, 131-132, 140-141 (proposed) .. 455
 DPW 125, 126, 128, 130-132, 135, 140 (proposed) 633
 DPW 160 (proposed) 60
 DPW 160 (proposed) 160
 DPW 160 (errata) 164

Part 3 Housing Finance Agency
 MHFA 1-17, 31-36, 51, 61-69, 111-115 (adopted) 306
 MHFA 120 (proposed) 675

TITLE 14 TRANSPORTATION

Part 1 Transportation Department
 14 MCAR §§ 1.4025-1.4028 (proposed temporary rules) 892

RULES

Department of Education Classification for State Aids, Special Requirements for Secondary Schools, and Financial Accounting Reporting Requirements

The rules published in the State Register Vol. 1, No. 42, p. 1539, April 25, 1976 (1 S.R. 1539), are adopted and are identical in every respect to their proposed form with the following amendments:

Chapter Three: Classification for State Aids, Special Requirements for Secondary Schools.

EDU 44 Length of school day.

B. 3. [[A written record is maintained indicating the type of work-study option or other educational experience to be pursued during the exempted time;]]The secondary school principal must design for each student exempted from six hour requirement a work-study option or other non-work experience of real educational value. The secondary school principal shall ensure that the educational program is actually pursued. A written record must be maintained indicating the type of work-study option or other educational experience to be pursued, the reason for the exemption, and the method of ensuring that the program is actually pursued.

The rules published in the State Register Vol. 1, No. 42, pp. 1539-1542, April 25, 1977 (1 S.R. 1539-1542), and Vol. 2, No. 8, pp. 305-306, August 29, 1977 (2 S.R. 305-306), Financial accounting reporting requirements §§ 1.0764-1.0769 are adopted with the following amendment:

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

§ 1.0767 Statutory operating debt.

E. [[H.]] Prior to June 30, 1979, the commissioner may, on the basis of the audited financial statements submitted by a district to the department, pursuant to Minn. Stat. § 121.914, subd. 5, adjust the total amount of statutory operating debt of the district, determined as of June 30, 1977.

Livestock Sanitary Board Sale of Livestock at Auction Markets, Consignment, Community and Other Sales

The rule published at State Register Vol. 1, No. 43, pp. 1562-1563, May 2, 1977 (1 S.R. 1562-1563), is adopted and is identical in every respect to its proposed form:

3 MCAR 2.041 Sale of livestock at auction markets, consignment, community and other sales.

Board of Teaching Procedures for Issuance of Licenses for Teachers, School Nurses, and Interscholastic Coaches

The rule published at State Register Vol. 1, No. 18, pp. 725-726, November 8, 1976, (1 S.R. 725-726) is adopted and is identical in every respect to the proposed form, with the following amendment:

5 MCAR § 3.003 Issuance and renewal of all licenses; Fees.

[[F. This rule shall become effective on July 1, 1977.]]

The rule published at State Register Vol. 1, No. 18, p. 728, November 8, 1976, (1 S.R. 728) is repealed and is identical in every respect to the proposed form:

[5 MCAR § 3.109 Public School Coaches, Girls' Interscholastic Sports. Effective July 1, 1978.]

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

Board of Boxing Proposed Rules of the Minnesota Board of Boxing Completely Recodifying and Enlarging upon the Now Existing Rules of the Board, Supervising and Regulating All Amateur and Professional Boxing and Sparring Exhibitions, Matches, and Contests Occuring in the State of Minnesota

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Hearing Room of the State of Minnesota, Department of Commerce, in the Metro Square Building, St. Paul, Minnesota, on December 9, 1977, commencing at 10:30 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 material may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. George Beck, Office of Hearing Examiner, 1745 University Avenue, Room 300, St. Paul, Minnesota 55104, telephone (612) 296-8108, before the hearing or after the hearing until the record is closed. The record will remain open for five or twenty working days after the public hearing ends, as ordered by the Hearing Examiner.

The proposed rules, if adopted, will completely recodify and enlarge upon the now existing rules of the Minnesota Board of Boxing, supervising and regulating all amateur and male and female professional boxing and sparring exhibitions, matches and contests occurring in the State of Minnesota. The rules deal with, among other things, basic prohibitions, granting, suspending and revoking licenses and registrations, supervision of contests, advance and post-fight reports, filing of contracts, Minnesota championships, tickets, seating, medical examinations, amateur and professional franchises and fees, fees for referees, judges, boxers, managers, and seconds, retirement of boxers, relationship to the World Boxing Association, equipment, weights, weigh-ins, scoring, conduct of seconds, referees' discretion, knockdowns, mandatory eight count, standing eight count and waiver thereof, knockouts, techni-

cal knockouts, minor fouls, major fouls and disqualifications, miscellaneous penalties, physical and annual physical examinations of female boxers, weights allowable in female boxing, and conduct and equipment in female boxing. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Board of Boxing, 5th Floor, Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The Board's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 341.05, subd. 1 and 341.11 (1976). A statement of need explaining why the Board believes the proposed rules are necessary and reasonable, and a statement of evidence outlining the testimony to be introduced, shall be filed with the Hearing Examiner's office at least twenty-five (25) days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A (1976), requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250.00 per year or five (5) hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

James J. O'Hara
Executive Secretary
Board of Boxing

The following rules repeal and supersede existing rules of the Board of Boxing.

Rules as Proposed

Chapter One: General Rules

4 MCAR § 9.101 Purpose. These rules are adopted pursuant to Minn. Stat. § 341.05, subd. 1 and § 341.11 (1976) and are designed to supervise and regulate all amateur and professional boxing and sparring exhibitions, matches, and contests occurring in the State of Minnesota. They are a complete recodification of the prior rules of the Board.

§ 9.102 Definitions.

A. 'Board' means the Board of Boxing.

B. 'Exhibition' means any boxing or sparring event at

PROPOSED RULES

which direct or indirect admission is charged, or at which prizes or compensation are given to the boxers.

C. 'Contest' means any boxing or sparring bout at which scoring is done.

D. 'Match' means any boxing or sparring bout at which victory is sought or declared.

§ 9.103 Applicability. These rules shall apply to all amateur and professional boxing and sparring exhibitions, matches, or contests and related activities occurring in or affecting professional and amateur boxing and sparring exhibitions, matches, or contests held or proposed to be scheduled and held in the State of Minnesota.

§ 9.104 Construction and interpretation. These rules shall be construed to effectuate the purposes of Minn. Stat. §§ 341.01-341.15 (1976) as amended from time to time. Where ambiguities or conflicts appear, they may be interpreted by the Board.

§ 9.105 Cases not covered. If questions or situations arise which are alleged not provided for by these rules, they shall be determined by at least a quorum of the Board in such a manner as they think best, just and conformable to the usage and best interests of the State of Minnesota and the sport of boxing.

§ 9.106 Complaints and investigations. The Board shall entertain and dispose of duly submitted complaints as specified in Minn. Stat. §§ 214.10 (1976) as amended.

§ 9.107 Basic prohibitions.

A. Franchise license required. No amateur or professional boxing or sparring exhibition, match or contest shall occur or be promoted or sponsored except by a current and valid licensee of the Board.

B. Prior approval of dates, places and contestants required. No amateur or professional boxing or sparring exhibition, match, or contest shall occur or be promoted or sponsored within the State of Minnesota without the prior approval of the Board as to date, place, and participants. Any such exhibition, match, or contest receiving such approval shall be conducted strictly in accordance with these rules and such conditions as the Board may see fit to impose.

C. Licenses and registrations required. No professional or amateur franchise, sponsor, organization,

promoter, nor any manager, referee, judge, timekeeper, assistant timekeeper or other official nor any professional boxer or second shall participate in any boxing or sparring exhibition, match or contest in the State of Minnesota without a current license or approval, as the case may be, from the Board and no amateur boxer or coach shall participate in any boxing or sparring exhibition, match, or contest in the State of Minnesota without a current registration with the Board. All activity conducted pursuant to such licenses, registrations, or approval shall be conducted strictly in accordance with these rules and such conditions as the Board may see fit to impose.

D. Amateur sponsorships and professional promotions distinguished. No amateur boxing or sparring exhibition, match or contest shall be sponsored by other than an amateur franchise licensee and no professional boxing or sparring exhibition, match or contest shall be promoted by other than a professional franchise licensee.

§ 9.108 Applications. All applications for licenses and registrations shall be in writing and all questions propounded by the Board shall be answered fully and truthfully. All applications shall be accompanied by a certified check in the amount of the appropriate fee. All papers and documents filed with the Board shall be the property of the Board. Prior to acting upon any application, the Board may, in its discretion, examine under oath the applicant, any officer thereof, and any other witnesses. The form of the application shall be prescribed by the Board.

§ 9.109 Granting, suspending and revoking licenses and registrations. The granting of all licenses, registrations, and approvals is a matter of Board discretion and the Board may impose such conditions as it sees fit as a part of any license, registration or approval.

All licenses, registrations, or approvals granted by the Board may be suspended or revoked at the pleasure of the Board. Suspensions and revocations shall occur according to such procedures as the Board deems necessary under all the circumstances and in light of the regulatory powers and purposes of the Board.

§ 9.110 Non-assignability. No license, registration, or approval granted by the Board is assignable in any respect.

§ 9.111 Compliance with other agency rules and statutes. All licensees of the Board shall comply with perti-

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

ment statutes and rules of the other agencies of the State of Minnesota.

§ 9.112 Supervision of contests. All amateur and professional exhibitions, matches and contests shall be officiated by licensed and approved referees and judges. At all boxing or sparring exhibitions, matches, and contests contestants, referees, timekeepers, assistant timekeepers, seconds, examining physicians, and announcers shall at all times be subject to the control of the Board. The Board may appoint an official representative to insure that the rules of the Board are strictly observed. No amateur or professional boxing or sparring match, exhibition match or contest shall occur or take place except in the presence and supervision of the Board or its official representative.

§ 9.113 Inspectors. The Board or its duly authorized representatives shall have the authority upon demand to inspect all boxing or sparring facilities, training camps, gymnasiums and auditoriums in Minnesota, all related activities and all books and records pertaining to any aspect of boxing or related activity occurring in whole or in part in the State of Minnesota.

§ 9.114 Advance reports. Each promoter of any professional boxing exhibition, match, or contest must file with the Board a statement in writing prior to any public announcement of an exhibition, match or contest and in any case at least five days prior to the holding of any such exhibition, match, or contest, which shows the name of the club, the place or city where such exhibition, match, or contest shall be held, the name and location of the building wherein the same shall be held, the estimated seating capacity thereof, the names, addresses and weights of the main event and semi-windup contestants, together with such other information as the Board may require.

§ 9.115 Filing of contracts. Each promoter of any professional boxing exhibition, match or contest must file with the Board at least five days prior to the holding of any such contest, exhibition, match or contest any and all contracts involving contestants. All professional contestants must be signed to a written contract. Contracts with professional main event boxers must be accompanied by certified checks for the amounts of forfeits at the time of filing said contracts with the Board.

§ 9.116 Minnesota championships. No bout may be advertised as a Minnesota championship unless the Board, in its sole discretion, declares the bout to be for the Minnesota championship.

§ 9.117 Tickets.

A. Admission. No person shall be admitted to a box-

ing or sparring exhibition, match or contest without a ticket except duly authorized Board inspectors, who shall be admitted with proper badge and credentials.

B. Press tickets. All press tickets issued shall be marked "Press." All complimentary tickets shall be marked "Complimentary." Twenty tickets marked "Press" shall be reserved for members of the Board, its counsel, and a representative of the Department of Revenue. No more than sixty "Press" tickets may be issued for any one fight in cities of the first class, not more than thirty in Rochester, and not more than ten elsewhere, outside of Board tickets.

C. Price. All tickets exclusive of press and complimentary tickets shall have the price plainly printed thereon and shall have a coupon attached which may be held by the purchaser thereof. The price of tickets shall be printed in large type and displayed at all ticket sellers' windows and shall not be varied.

§ 9.118 Seating — media, commissioners and officials. Holders of press tickets, commissioners, and officials shall be seated at ring side tables. It shall be the promoter's responsibility to place name tags or designations on the tables to insure orderly seating. At bouts expected to draw large media attention, two rows of ring side tables shall be provided. There shall be at least four feet between the ring side tables and the first row of seats. If said seating and designations are not in place three hours prior to the first exhibition, match, or contest, the Board or its official representative may arrange for same without notice and at the promoter's expense.

A maximum of four photographers may be at ring side at any one time and then only at designated places and subject to the control of the Board.

§ 9.119 Security and ushers. It shall be the duty of the promoter or sponsor to provide adequate security to keep order and adequate ushers to insure proper seating.

§ 9.120 Fund raising and announcements. No fund raising shall be permitted and no public announcements made at any boxing or sparring exhibition except with the prior approval of the Board or its official representative.

§ 9.121 Post-contest reports. The franchise licensee who promotes each amateur or professional boxing or sparring exhibition, match, or contest shall furnish in writing to the Board within forty-eight hours following the event a statement showing the names of all contestants and the result of each contest held, together with the amount of the gross gate.

PROPOSED RULES

§ 9.122 Medical examinations. Whenever an examination of a contestant by a physician is required by these rules, such examination shall include: pulse standing, lungs, heart, blood pressure, presence or absence of Rhomberg sign, recent injuries, if any, and all other matters the examining physician may deem necessary. The examining physician shall be licensed by the Minnesota Board of Medical Examiners and shall report his written findings on each of these for each boxer to the Board. All examinations and reports shall be at the expense of the promoter or sponsor.

§ 9.123 Payments to boxers. No payments may be made by a promoter or sponsor to a boxer until approved by the Board or its official representative.

§ 9.124 Repealer. The prior rules of the Board not contained herein are hereby repealed.

Chapter Two: Rules Governing Amateur Boxing

§ 9.201 Jurisdiction. All amateur boxing or sparring exhibitions, matches, or contests are under the jurisdiction of the Board and subject to such conditions as it may in its discretion impose.

§ 9.202 Amateur registration and licenses. All amateur boxers and coaches must be registered with the Board in a form to be specified by the Board and amateur referees, judges, seconds, and franchises must be licensed by the Board.

§ 9.203 Licenses, registrations, and license fees. All amateur licenses for referees, judges and seconds, franchises, and registrations of boxers expire one year from the date of issue unless revoked by the Board. The fees shall be:

Referees	\$10.00
Judges	\$10.00
Seconds	2.00
Boxers	no fee

§ 9.204 Amateur franchise licenses.

A. Amateur franchise licenses shall be granted in conformity with these rules and the laws of the State of Minnesota.

B. Such licenses shall have a duration of one year unless otherwise specified by the Board.

C. The fee for said license shall be in cities of the first

class having a population of over 150,000 \$150.00; in cities of the first class having a population of less than 150,000 \$50.00; in all other cities and towns \$25.00.

§ 9.205 Form of amateur franchise license. The form of amateur franchise license shall be as follows: "State of Minnesota, Board of Boxing. To all whom it may concern: Amateur Franchise License No. _____. WHEREAS, due application was made for an amateur franchise license in accordance with the laws of the State of Minnesota and the rules of the Minnesota Board of Boxing, and the said Board of Boxing having duly considered said application and ordered the issuance of the license thereon.

NOW, THEREFORE, the State of Minnesota, by and through its Board of Boxing does hereby grant unto _____ a license to conduct, hold, or give amateur boxing and sparring exhibitions, matches and contests within the city, village or township of _____, State of Minnesota, and not elsewhere, in accordance with the provisions of law aforesaid, and subject to such rules and regulations, and amendments thereof, as the Board of Boxing may from time to time prescribe.

Unless revoked or suspended, this license is for a period of one year from the date set forth hereinunder unless otherwise specified.

This license may be suspended or revoked at the pleasure of the Board.

This license is not assignable to any other party.

All amateur boxing or sparring exhibitions, matches, and contests conducted under the auspices of this license shall be governed by the rules of the Board of Boxing, the laws of the State of Minnesota, and, to the extent not in conflict, the rules of the Amateur Athletic Union.

IN TESTIMONY WHEREOF, the Board of Boxing has caused these presents to be signed by its chairman and secretary and has affixed its seal this ____ day of _____, 19__.

(SEAL)

BOARD OF BOXING

By _____
Chairman

And _____
Secretary

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

§ 9.206 Financial statements and returns. Financial statements and returns shall be filed by each amateur franchise licensee as required by the laws and promulgated regulations of the State of Minnesota and its respective agencies.

§ 9.207 Ten day rule. An amateur desiring to box as a professional must file written notice ten days prior to the date on which his application for a professional license shall be entertained.

§ 9.208 Managers. No amateur is required to have a manager. No manager of an amateur boxer will be recognized unless he has presented a legally valid contract with the boxer to the Board and such contract has been approved and filed with the Board and a manager's license issued.

§ 9.209 Compensation.

A. Limit. The maximum compensation paid to an amateur shall not be in excess of \$5.00, exclusive of travel and subsistence.

B. Special prizes. Sponsors of any tournament or inter-city match shall be allowed to give a special prize to the contestants in addition to the regular compensation, providing such prize has the prior approval of the Board.

C. Advance filing. Sponsors of any tournament, exhibition, match or contest to be attended by boxers from outside the place of their legal residence must file in the office of the Board at least 24 hours preceding the time of the event, a schedule of compensation, travel, and subsistence money proposed to be paid each boxer.

D. Sworn statement. Within 48 hours after the holding of the event, the franchise holder, sponsor, or promoter shall forward to the Board in a form specified by the Board, a sworn statement that the rules of the Board pertaining to compensation, travel, and subsistence paid and promised to be paid to each amateur boxing was not in excess of the amount set forth in the schedule filed with the Board.

§ 9.210 Rules. The official rules of the Amateur Athletic Union shall govern all amateur exhibitions, matches and contests except when in conflict with these rules.

§ 9.211 Officials. All amateur exhibitions, matches, and contests shall be officiated by a referee and judges licensed by the Board. Unless waived by the Board, all such exhibitions, matches and contests shall be conducted only in the presence of the Board or its official representative. All other officials shall be approved by the Board.

§ 9.212 Rules governing safety.

A. Junior class amateurs — limits. Junior Class Amateurs are those amateurs who have not reached sixteen years of age. Junior Class Amateurs shall not be allowed to box more than three rounds of one minute duration.

B. Senior class amateurs — limits. Senior Class Amateurs are those between sixteen years of age and twenty-six. Senior Class Amateurs shall not be allowed to box more than three rounds of two minute duration except in authorized tournaments.

C. Medical examination. No amateur boxer shall be permitted to take part in a boxing or sparring exhibition, match, or contest unless he has been examined and passed immediately before the contest by a physician licensed by the Minnesota Board of Medical Examiners.

D. Frequency. No amateur boxer shall be permitted to participate in any boxing or sparring exhibition, match or contest on more than two days in five, or more than one contest on any one day except in duly sanctioned and authorized tournaments.

E. Attendance of physician. At least one physician licensed by the Minnesota Board of Medical Examiners must be in attendance at each amateur boxing or sparring exhibition, match or contest. He shall examine each contestant immediately before the contest and after each knockout or technical knockout and during the course of each contest at the request of the referee.

F. Authority to stop bout. A referee must stop a contest when either contestant shows marked superiority and the other opponent is outclassed.

G. Cut eyes. In a tournament, when a bout is stopped because of a cut eye, the decision shall go to the boxer then leading on points. In a non-tournament bout the bout shall be ruled no contest if one of the participants suffers a cut eye in the first round. If the injury occurs in the second or third round the boxer leading on points shall be awarded the decision.

§ 9.213 Equipment. Equipment shall be as required by A.A.U. rules.

§ 9.214 Ring names. No ring names shall be allowed.

§ 9.215 Acts or takeoffs. Any acts or take-offs or insincerity on the part of an amateur boxer may subject the boxer to immediate suspension.

Chapter Three: General Rules Governing Professional Boxing

PROPOSED RULES

§ 9.301 Jurisdiction. All professional boxing or sparring exhibitions, matches and contests are under the jurisdiction of the Board and subject to such conditions as it may in its discretion impose.

§ 9.302 Licenses. All referees, judges, boxers, managers and seconds shall be licensed in accordance with the following schedule. Such licenses shall expire one year from the date of issuance unless suspended or revoked by the Board.

Referees	\$25.00
Judges	\$10.00
Boxers	\$ 5.00
Managers	\$10.00
Seconds	\$ 5.00

§ 9.303 Professional franchise licenses.

A. Professional franchise licenses shall be granted in conformity with these rules and the laws of the State of Minnesota.

B. Such licenses shall have a duration of thirteen weeks (one-quarter year) unless otherwise specified by the Board.

C. The fee for said license shall be \$250.00 per quarter in Minneapolis, St. Paul, and Bloomington. In other locations the fee shall be:

1. In cities of the first class having a population of less than 150,000, but more than 100,000, \$125.00 per quarter.

2. In municipalities having a population of less than 100,000 but more than 10,000, \$50.00 per quarter.

3. In municipalities having a population of less than 10,000, \$25.00 per quarter.

§ 9.304 Form of professional franchise license. The form of professional franchise license shall be as follows:

“State of Minnesota, Board of Boxing. To all whom it may concern: Professional Franchise License No. ____.

WHEREAS due application has been made for a license in accordance with the terms of the laws of the State of Minnesota and the rules of the Board of Boxing and said Board having duly considered the said application and ordered the issuance of a license thereon,

NOW THEREFORE the State of Minnesota by and through the Board of Boxing does hereby grant unto: a license to conduct, hold or give boxing and sparring exhibitions matches and contests within the city, village or township of _____, State of Minnesota and not elsewhere in accordance with the provisions of law aforesaid, subject to such rules and amendments thereof as the Board of Boxing may from time to time prescribe, for a period of thirteen weeks (one-quarter year) from the date hereof unless revoked or suspended or unless a different duration is specified herein.

No boxing or sparring exhibition, match, or contest shall be of more than fifteen rounds not to exceed three minutes each.

All boxing or sparring exhibitions, matches or contests held pursuant to this license shall be governed by the rules of the Board of Boxing and the laws of the State of Minnesota.

This license may be suspended or revoked at the pleasure of the Commission.

This license is not assignable to any other party.

In the event this license pertains to a city or governing entity other than a city of the first class, the consent required by Minn. Stat. § 341.08 must be obtained from the governing body thereof.

IN TESTIMONY WHEREOF the Board of Boxing has caused these presents to be signed by its Chairman and Secretary and has affixed its seal this ____ day of _____, 19__.

(SEAL)

BOARD OF BOXING

By _____
Chairman

And _____
Secretary

§ 9.305 Rules governing safety.

A. Age. No professional boxer shall be permitted to engage in any boxing or sparring exhibition, match or contest without a license issued by the Board. No license will be granted to any boxer under eighteen years of age or to any boxer over thirty-six years of age without the express consideration of the Board. Professional boxers

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

only eighteen years of age shall be limited to ten round bouts or less. No bout shall exceed fifteen rounds.

B. A-one condition. Each contract between a promoter and a boxer shall include a clause in which the boxer and his manager certify that the boxer is in A-one condition and is not concealing an illness or injury.

C. Medical examination; attendance of physician and authority to stop bout. Each contestant shall be examined prior to entering the ring by a physician licensed by the Board of Medical Examiners. One or more physicians licensed by the Board of Medical Examiners must be in attendance at each exhibition, match or contest. He shall examine each contestant immediately before the contest and after each knockout or technical knockout and at other times as indicated. The referee shall be the judge in cooperation with the ring physician as to the fitness of a contestant to continue when he is seemingly taking undue punishment or is badly injured.

D. Intervals. No boxer participating in a contest of less than ten rounds shall be permitted to engage in consecutive contests with less than three days intervening between such contests. Boxers engaging in main events shall not engage in such contests without an intervening period of less than seven days.

A minimum of sixty day intervals shall be required before a boxer who has been knocked unconscious shall be allowed to box again. When a bout is stopped because it has become one sided or a serious facial laceration has occurred, a suspension of thirty days is required.

E. Medical investigations. In case of repeated knockouts or severe beatings a boxer shall be retired for his own physical welfare. Any boxer who has sustained six consecutive defeats or who has received a serious concussion shall be subject to investigation, review and examination by the Board and its physician.

F. Main event contestants. In each application for a mainevent bout, the results of the last six bouts for each contestant shall be included in a sworn statement signed by the boxer, his manager, and promoter.

§ 9.306 World boxing association. The Board shall presume, unless rebutted, that all suspensions issued by the World Boxing Association should be recognized.

Chapter Four: Equipment Rules Governing Professional Exhibitions, Matches and Contests

§ 9.401 Ring, ropes, posts. The ring shall be no less than 16 or more than 20 feet square within the ropes, the ring floor to extend beyond the ropes a distance of not

less than 18 inches. The ring floor, height of ring, ring posts and ring ropes shall meet standards of and be approved by the Board or its official representative.

§ 9.402 Gong. The gong must be not less than eighteen inches in diameter, to be adjusted securely on a level with the ring platform, the timer to use a metal hammer in indicating the beginning and the end of rounds so that the contestants and referee can hear the sound of the bell.

§ 9.403 Buckets, etc. Three hours in advance of the first exhibition, match, or contest, there shall be provided by the sponsor or promoter a sufficient number of buckets and water bottles, fans, powder resin, resin box, stools for seconds, and such other articles as are required in the conduct of a contest and as the Board may deem necessary. The official representative of the Board shall have authority to order same without notice and at the promoters if they are not so supplied.

§ 9.404 Gloves. In professional bouts each glove shall weigh not less than eight ounces for contestants from 112 to 175 pounds, and not less than 10 ounces for contestants over 175 pounds. Gloves for principal contestants shall be adjusted in the ring under the supervision of the referee, the laces to be knotted on the back of the wrist.

§ 9.405 Scales. Scales for weighing contestants shall be provided by the sponsor or promoter and shall be thoroughly tested and approved prior to use.

§ 9.406 Protective equipment. No contestant shall be allowed to enter the ring without all normal and suitable protective equipment as determined and approved by the Board or its official representative, including equipment which shall obviate the necessity of making any claims for low blows.

§ 9.407 Bandages. Each hand shall be allowed 10 yards of gauze bandage. Each boxer shall be permitted to use as much tape, one inch in width, as the commission decides shall be necessary. Only one layer of the tape shall be permitted across the knuckles of each hand to hold the gauze in place.

§ 9.408 Shoes. Shoes shall be of soft material and shall not be fitted with spikes, cleats, hard soles or hard heels.

§ 9.409 Ring costume. Contestants shall box in proper ring costume as determined by the Board or its official representative, including protective equipment, all of which shall be firmly adjusted previous to entering the ring.

§ 9.410 Shaving. Boxers must be clean shaven

PROPOSED RULES

twenty-four hours before participating in any contest unless this requirement is waived by the Board.

§ 9.411 Inspections — foreign substances, equipment. The referee or the Board's official representative shall inspect the bandages, gloves and protective equipment of the contestants and make certain that no foreign substances have been applied either to the gloves, bandages, protective equipment or to the body of the contestant to the detriment of an opponent, and that the contestant's equipment is in order.

Chapter Five: Rules Governing the Conduct of Professional Exhibition, Matches and Contests

§ 9.501 Weights. Unless authorized by the Board, contests shall be conducted only in the following weight classifications, the difference in weights allowable indicated in parenthesis:

Flyweight(3)	112 pounds
Bantamweight(4)	118 pounds
Featherweight(5)	126 pounds
Lightweight(6)	135 pounds
Welterweight(7)	147 pounds
Middleweight(8)	160 pounds
Light Heavyweight(10)	175 pounds
Heavyweight	All over

§ 9.502 Weigh-ins and Examinations. Weigh-ins shall occur at 12 noon on the day of the exhibition, match or contest under the supervision of the Board or its official representative. All boxers shall be examined by a physician licensed by the Minnesota Board of Medical Examiners. Failure to appear at a scheduled weigh-in and examination may subject the contestant to a fine in an amount to be determined by the Board.

§ 9.503 Professional main event boxers — reporting. Professional main event boxers must appear in the city in which the exhibition, match or contest is to be held 72 hours before fight time unless excused by the Board.

§ 9.504 Officials. All boxing or sparring exhibitions matches or contests shall be officiated by a licensed referee and two licensed judges, who shall be appointed by the Board. Unless waived by the Board, the judges shall be licensed referees. They shall be seated at ringside opposite each other.

§ 9.505 Officials' fees. Officials' fees shall be in a uniform amount approved by the Board and shall be the obligation of the promoter.

§ 9.506 Announcer. The announcer shall announce the names of the contestants, their correct weights, and such other matters as shall be directed or approved by the Board or its official representative.

§ 9.507 Timekeeper and assistant timekeeper. There shall be a timekeeper and a separate knockdown assistant who must be seated outside the ring close to the gong. The timekeeper shall indicate the beginning and ending of each round by striking the gong with a metal hammer. The knockdown assistant shall begin his count when a contestant is knocked down and shall continue counting unless the opponent does not occupy the farthest neutral corner. The timekeeper shall provide himself with a whistle and accurate stopwatch before the bout. Ten seconds before the beginning of each round the timekeeper shall give warning to the seconds of contestants by the blowing of a whistle.

§ 9.508 Scoring, scorecards, and decisions. All professional bouts shall be to a decision or draw, scored on the so-called ten-point system. The decisions shall be given by the referee and the two judges. Following each bout scorecards shall be deposited with the Board or its official representative.

§ 9.509 Officials' decisions final. The decisions of the referee and judges shall be final.

§ 9.510 Seconds.

A. Designation and seating. Seconds shall be designated prior to a bout and only seconds shall be allowed in the corners. A chair or stool shall be made available for each second, taped "seconds," and seconds shall sit on the main floor and not the platform during rounds. It shall be the duty of the referee to enforce this rule.

B. Number. There shall not be more than three seconds for each contestant.

C. Coaching. Seconds shall not coach boxers during the progress of rounds.

D. Other activity. Seconds must remain seated and silent during rounds and shall not spray or forcefully throw water on a boxer or in any other way assist him. Fans may be used between rounds. The swinging of towels is prohibited.

During a bout, seconds shall permit no one in the ring save as allowed by these rules.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

E. Substances. Excess grease, oil, or other substances which might handicap an opponent are prohibited.

§ 9.511 Referee discretion. The referee shall have the discretion: to stop a bout or contest at any stage and make a decision if he considers it too one sided or one contestant is apparently outclassed; to stop a bout or contest if he considers the competitors are not in earnest, in which case he may disqualify one or both the contestants; to disqualify a contestant who commits a foul and to award a decision to the opponent; to determine in cooperation with the ring physician the fitness of a contestant to continue and to stop a bout if he is seemingly taking undue punishment or is badly injured; to declare a technical knockout when a contestant fails for any one of numerous reasons, such as cuts, injuries or admission of overwhelming superiority on the part of his opponent to answer the bell for a succeeding round; to disqualify a boxer for continuously and deliberately striking an opponent with low blows; to disqualify the offender for a fourth offense after warning said boxer three times for minor fouls; to disqualify a boxer for hitting an opponent who is down or who is getting up; and to declare a knockout.

§ 9.512 Knockdowns, mandatory eight count, standing eight count and waiver thereof.

A. Clear knockdowns. When a boxer is clearly knocked down he shall be required to take a mandatory count of eight whether or not he has regained his feet before the count of eight has been reached. Should a boxer slip or fall down or be pushed down, he shall be ordered to his feet immediately. Failure to rise may subject him to disqualification.

B. Mandatory eight count. While a mandatory eight count is in progress, the boxer scoring the knockdown must retire to the farthest neutral corner indicated by the referee and remain there until the eight count is completed. Should he fail to do so, both the referee and timekeeper shall stop counting until he returns to the corner.

C. Counting. When a contestant is down the timekeeper shall immediately begin counting while the referee sends the boxer scoring the knockdown to the farthest neutral corner. The referee shall then return to the fallen boxer and pick up the count from the timekeeper and count in unison. The count shall not continue while the opponent does not occupy the farthest neutral corner.

D. Deemed knockdowns. A contestant shall be deemed down when any part of his body other than his feet is on the ring floor, he is hanging helplessly over the ropes, or he is rising from a down position, provided

that a boxer hanging over the ropes is not officially down until so announced by the referee.

E. Standing eight count rule. The standing eight count rule shall be in effect unless both contestants shall agree before the start of each bout that it shall be waived.

§ 9.513 Knockouts. If the contestant fails to rise before the count of ten, the referee shall declare him the loser by knockout. Should a contestant who is down arise before the count of ten is reached and again go down without being struck, the referee shall resume the count where he left off. When a boxer is knocked out, the referee should count the full ten, thus avoiding the recording of a technical knockout which would be confusing and misleading to commissions in the other states. When a boxer has been knocked out, he shall not be touched or moved except by the direction of the ring physician. Should a contestant leave the ring during the one-minute period between rounds and fail to be in the ring when the gong rings to resume boxing, the referee shall count him out the same as if he were down. If a contestant who has been knocked or fallen out of the ring during a contest fails to return immediately, the referee may count him out as if he were down.

§ 9.514 Technical knockouts. If the referee stops a contest because it is one-sided, or because of a badly cut eye, or should a contestant finish any one round of a contest and fail for any one of numerous reasons, such as cuts, injuries or admission of overwhelming superiority on the part of his opponent, to answer the bell for the succeeding round, the proper termination of the bout shall be a technical knockout. Should a contestant be knocked down three times in the same round, the contest shall be terminated and ruled a TKO, unless this rule is waived by the Board for a specific contest.

§ 9.515 Minor fouls. Contestants shall break clean and must not strike a blow while breaking from clinches. Contestants must not hold and hit. Butting with the head or shoulders, wrestling or clinching, or illegal use of elbows shall not be allowed. There shall be no unsportsmanlike conduct on the part of the contestants. This shall include the use of abusive or insulting language.

A penalty of one point may be imposed by the referee for the following deliberate conduct; maintaining a clinch; holding an opponent with one hand and hitting with the free hand; butting with the head, or illegal use of the shoulders and elbows; hitting on the breakaway after being ordered to break clean by the referee; hitting with the inside or heel of the hand and wrist; wrestling or roughing at the ropes; use of the rabbit and backhand punches; striking at that part of the body over the kid-

PROPOSED RULES

neys, except when an opponent deliberately turns his back to avoid being hit in the stomach over the liver and over the heart; use of abusive or profane language; refusal to obey warnings of the referee or any physical actions which might injure a contestant by illegal tactics; biting or kicking.

§ 9.516 Major fouls and disqualifications. A boxer may be disqualified by the referee if: he deliberately knees an opponent in the groin, deliberately hits an opponent who is down or who is getting up or continuously and deliberately strikes an opponent with low blows, or for a fourth minor foul after three warnings.

§ 9.517 Low blows. A contest shall not be terminated by a low blow. A boxer may be penalized three points for low punching. The referee shall count out boxers who fall to the floor claiming fouls as a result of the low blow. A boxer may be disqualified for continuously and deliberately striking an opponent with low blows.

§ 9.518 Miscellaneous penalties.

A. Deliberate fouls. If a contest is terminated by the referee because of a deliberate foul, the offending contestant shall receive only such percentage of his compensation or purse as the Board shall designate. The remainder of such purse shall be deemed a fine and be forfeited to the Board of Boxing.

B. Refusal to enter ring. If a boxer refuses to enter the ring unless he is paid in advance, his purse shall be turned over to the Board or its official representative. If he then refuses to enter the ring he shall be barred from boxing in Minnesota.

C. Forfeiture of fees. In the case of suspension or revocation of a license, the license fee shall be forfeited to the Board.

Chapter Six — General Rules Governing Women's Professional Boxing

§ 9.601 Jurisdiction. All professional women's boxers, promoters, managers, seconds and boxing or sparring exhibitions, matches and contests are under the jurisdiction of the Board.

§ 9.602 Incorporation. Except to the extent inconsistent with specific provisions of Chapter Six of these rules, Chapters One, Three, Four, and Five of these rules shall apply to women's professional boxers, promoters, man-

agers, seconds, and boxing or sparring exhibitions, matches and contests.

§ 9.603 Certain exhibitions, matches and contests prohibited. There shall be no boxing exhibitions, matches or contests between a male and a female boxer.

§ 9.604 Physical examination. The medical examination of each female contestant shall include an abdominal examination and a breast examination. Each contract involving a female contestant must contain the attestation by each contestant that she is not pregnant and each contestant shall so attest to the examining physician and by affidavit to the Board.

§ 9.605 Annual physical examination. Prior to receipt of an original boxing license or the annual renewal of said license, each female boxer shall have a medical examination which includes a pelvic examination.

§ 9.606 Weights. Unless authorized by the Board contests shall be conducted only in the following weight classifications, the difference in weights allowable indicated in parentheses:

Flyweight(5)	113 pounds
Bantamweight(6)	121 pounds
Featherweight(6)	129 pounds
Lightweight(6)	137 pounds
Welterweight(7)	146 pounds
Middleweight(8)	154 pounds
Light Heavyweight(8)	162 pounds
Heavyweight(8)	170 pounds
Superheavyweight	All over

§ 9.607 Separate dressing room facilities. Promoters shall provide adequate separate dressing room facilities for female boxers.

§ 9.608 Uniform. The female boxing uniform shall consist of body shirt, blouse, and shorts.

§ 9.609 Protective equipment. No contestant shall be allowed to enter the ring without a breast protector whose suitability shall be approved by the Board in addition to such other normal and suitable protective equipment as determined and approved by the Board or its official representative.

§ 9.610 Gloves. Each glove shall weigh not less than ten ounces.

§ 9.611 Rounds. Each exhibition, match, or contest

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

shall have two minute rounds with a one minute rest between rounds. No exhibition, match or contest shall be more than ten rounds.

Department of Health Commissioner of Health and Water Well Contractors Advisory Council

Installation of Plastic Water Well Casing and Receipt of Infor- mation Regarding Possible Changes to Rules Governing Licensing of Water Well Contractors

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matters will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in the William Mitchell College of Law Auditorium, 875 Summit Avenue, St. Paul, Minnesota, on Thursday, December 1, 1977, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendment captioned above. In addition, interested or affected persons are also invited to submit statements or material regarding the need to amend the provisions of the water well contractors rules regarding the licensing of drillers. Statements may be made orally and written material may be submitted. Whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Steve Mihalchik, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota, 55104, telephone (612) 296-8112, either before the hearing or within five (5) days after the close of the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in be-

half of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

If adopted, the amendment would permit the use of plastic water well casing under the Minnesota Water Well Construction Code and would require the use of certain procedures for the installation of plastic water well casing.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to Mr. Edwin Ross, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota, 55440. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the commissioner's position relative to the necessity for the proposed amendments and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Department of Health in support of the proposed amendments will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the commissioner to promulgate and adopt these amendments is contained in Laws of 1977, ch. 398 as amended by ch. 305, § 45.

The testimony regarding possible changes to the licensing provisions of the rules will be received separately and will be given to the Minnesota Department of Health for consideration. Under the existing licensing rule it is difficult to enforce the construction code provisions against individual drillers who violate the rules. It is hoped that the licensing provisions could be amended to increase individual driller accountability.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials: A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 a year or five (5) hours per month for lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota, 55155, telephone 612-296-5615.

Warren R. Lawson, M.D.
Commissioner of Health

Rules as Proposed

MHD 220(a): Casing for Permanent Wells. **Casing for permanent wells shall be of either ferrous or plastic ma-**

PROPOSED RULES

terial. For ferrous pipe, the specifications and installation procedures are prescribed below. For plastic pipe, the specifications and installation procedures are prescribed in MHD 224.

MHD 224. Plastic Well Casing. In addition to complying with MHD 210-223, an installer who uses plastic well casing¹ must comply with the provisions of this rule with regard to construction and installation.

A. Definitions. The following terms shall have the meanings given them.

1. **Installer** means any person who constructs a well using plastic casing, whether or not such person is a driller or contractor who is licensed pursuant to Minn. Stat. ch. 156A. (1976).

2. **Plastic**, when used in MHD 210 through 224, means a thermoplastic pipe or casing material composed of either polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS).

B. Standards.

1. Any plastic pipe used for water well casing shall meet the standards of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania, 19103, which are referenced as Standard Specification for Thermoplastic Water Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR), ASTM F-480. Such pipe shall be capable of withstanding pressure equal to or greater than 200 pounds per square inch (p.s.i.). Table 1 lists the pipe included in ASTM F-480 which meets the 200 p.s.i. rating.

Table 1

Standard Thermoplastic Dimension Ratios (SDR) and Water Pressure Ratings (PR) at 23°C (73°F) for Non-Threaded PVC and ABS Plastic Pipe Equal to or Greater Than 200 p.s.i.

Pressure Rating of PVC Pipe Materials			
SDR	PVC 1120	PVC 2116	PVC 2112
	PVC 1220 PVC 2120		
	p.s.i.	p.s.i.	p.s.i.
13.5	315	250	200
17	250	200	
21	200		

¹ Laws, 1977, Chap. 398, permits the use of plastic well casing only in the following counties: Traverse, Grant, Douglas, Stevens, Pope, Big Stone, Swift, Lac qui Parle, Chippewa, Kandiyohi, Yellow Medicine, Renville, Lincoln, Lyon, Pipestone, Murray, Rock and Nobles.

Pressure Rating of PVC Pipe Materials		
SDR	ABS 1316	ABS 2112
	p.s.i.	p.s.i.
13.5	250	200
17	200	

2. Any plastic pipe, couplings, or components used in water well casing construction shall have the approval of a testing laboratory which has demonstrated the use of unbiased, reliable and appropriate testing methods, as determined by the Commissioner of Health. Such laboratory must approve the material as being intended for use in the transport of potable water. This approval shall be stamped on the pipe as prescribed below.

3. **Pipe markings.**

a. **Well casing pipe** — The plastic well casing pipe shall be marked at least every 1.5 m (5 ft.), in letters not less than 5mm (3/16 in.) high in a contrasting color with the following information:

- (1) Nominal well casing pipe size (for example, 5 in.), as specified in ASTM-F-480,
- (2) Well casing pipe standard dimension ratio, in accordance with designation code given in Table 1 (for example, SDR 17, 1316),
- (3) Type of plastic casing pipe material (for example, ABS or PVC),
- (4) The wording — “well casing” — followed by the impact classification (for example, IC-3),
- (5) Designation “ASTM F-480” including the year of issue of the standard with which the well casing pipe complies,
- (6) Manufacturer’s name or trademark,
- (7) Manufacturer’s code for resin manufacture, lot number, and date of manufacture,
- (8) The seal or mark of the laboratory making the evaluation of the plastic for potable water use spaced at intervals specified by the laboratory, and
- (9) Pressure rating (must be 200 p.s.i. or more).

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

b. Well casing pipe coupling — Plastic well casing pipe couplings shall be marked in letters not less than 5 mm (3/16 in.) high, with the following information:

(1) Nominal well casing pipe coupling size (for example, 5 in.), as specified in ASTM-F-480,

(2) Type of plastic well casing pipe coupling material (for example, ABS or PVC),

(3) Designation "ASTM F-480," including year of issue of the standard with which the well casing pipe coupling complies,

(4) Manufacturer's name or trademark, and

(5) The seal or mark of the laboratory making the evaluation of the plastic for potable water use spaced at intervals specified by the laboratory.

C. Plastic well casing pipe size. Where a submersible pump is to be installed inside a plastic casing, the casing diameter shall be no less than five-inch nominal pipe size, as specified in ASTM-F-480.

D. Storage, handling and assembly procedures for plastic well casing. The installer shall:

1. Not use pipe and couplings that have been stored in direct sunlight. Pipe must be stored in such a manner so as to prevent sagging or bending.

2. Inspect pipe and couplings carefully for cuts, gouges, deep scratches, damaged ends and other major imperfections and shall not use any plastic pipe or coupling which has such defects or imperfections.

3. Use solvent cement meeting the requirements of the specifications for the particular plastic used. The cement used shall provide sufficient open time for making good joints but the installer shall complete joints immediately upon applying the solvent cement.

4. Use only pipe and coupling combinations that give close and satisfactory interference fits which will readily mate when the solvent cement is applied and the pieces are joined. The pipe shall enter the socket to between 1/2 or 2/3 of the socket depth when inserted and turned by hand.

E. Technique for joining plastic well casing.

1. Cutting. The installer shall use fine tooth blades with little or no set for cutting the pipe. Pipe ends shall be cut square using a miter box. A plastic pipe cutter equipped with extra-wide rollers and thin cutting wheels

may be used. Standard steel pipe or tubing cutters shall not be used for cutting plastic pipe.

2. Cleaning. The installer shall clean all dirt, dust, moisture and burrs from pipe ends and couplings. The installer may use only chemical or mechanical cleaners which are suitable for the particular plastic material being used. All burrs shall be removed.

3. Primer. The installer shall use a primer:

a. when, because of the type of plastic material being used, the pipe and coupling surfaces must be softened and dissolved in order to form a continuous bond between the mating surfaces, and/or

b. when the particular type of solvent cement being used requires one.

4. Cement application. The installer shall apply a moderate and even coat of cement² to the inside of the coupling to cover the distance of the joining surface only. The installer shall then quickly apply an even coat of cement to the outside of the pipe being joined to a distance which is equal to the depth of the pipe coupling socket.

5. Assembly. The installer shall:

a. make the joint as quickly as possible after application of the cement, and before it dries;

b. reapply cement before assembling if the cement dries partially;

c. insert the pipe into the coupling socket, turning the pipe to insure even distribution of cement;

d. make sure that the pipe is inserted to the full depth of the coupling socket, and assemble pipe by using pipe joiners;

e. remove excess solvent cement from the exterior of the joint with a clean, dry cloth;

f. not disturb the coupling joint until after the cement has set, in order to avoid damage to the joint and loss of fit;

g. allow sufficient time for the joint to develop good handling strength based on the setting times given in Table 2.

² Caution should be used when handling solvent cement to avoid skin contact or inhalation of fumes.

PROPOSED RULES

Table 2 Initial Set Time

Temperature Range During Initial Set Time °C		Set Time for Pipe Sizes 2 to 3 in.	Set Time for Pipe Sizes 3½ to 12 in.
15 to 40	(60 to 100)	30 min.	1 hrs.
5 to 15	(40 to 60)	2 hrs.	4 hrs.
-20 to +5	(0 to 40)	6 hrs.	12 hrs.

h. allow sufficient time for the joint to cure before the joined pipe can be dropped into the drilled hole. This additional cure time is specified in Table 3.

Table 3 Joint Cure Schedule

Ambient Temperature, °C	Nominal Pipe Sizes			
	2 to 3 in.		3½ to 12 in.	
	SDR 26 and above	SDR 21, 17, 13.5	SDR 26 and above	SDR 21, 17, 13.5
15 to 40	2 h*	12 h	6 h	24 h
5 to 15	4 h	24 h	12 h	48 h
-20 to +5	16 h	96 h	48 h	8 days

*When the relative humidity is above 60%, increase all of the above times by 50%.

F. Plastic well casing pipe couplings.

1. Threaded couplings. An installer may use plastic pipe couplings with molded or formed threads but he must use only the thread lubricant which is suitable for the particular type of plastic being used. When a threaded joint is made, the installer shall tighten the joint by no more than one full turn with a strap wrench.

2. When the installer connects plastic pipe to a non-plastic well screen, he shall use a coupling appropriate for the specific transition intended.

G. Installation of plastic well casing.

1. The installer shall drill an open hole which is 4 inches larger than the nominal casing size.

2. The installer shall wipe clean and prime, as prescribed in E.3., the pipe spigot and coupling socket. The installer shall then apply cement to the spigot end only, as prescribed in D.3. When drilling a rock well, the installer shall seal the casing pipe into the bedrock using neat cement grout (defined in MHD 220(c) (3)).

3. The installer shall fill the annular space between the drill hole wall and the casing pipe with grout (defined in MHD 210(c) (3)) to assure equal loading around the casing in order to prevent collapse or deformation of the casing and to prevent any contamination from entering the well. Native sand may be used in non-artesian wells drilled in outwash material having no clay lense or lenses (a geological stratum composed of clay). The upper 30 feet in any type of well shall be grouted with neat cement grout (defined in MHD 220(c) (3)) using a tremie pipe. A tremie pipe is one which is small enough to fit in the annular space and which carries the grout to the bottom of a hole. The grout shall be fed under pressure from the bottom to the top in one continuous operation. Because of its high heat of hydration, grout made of rapid-setting cement is not permitted for use in wells which are cased with PVC pipe.³

4. An installer may not insert the drill stem or drilling equipment inside the plastic well casing when a drilling a rock well (defined in MHD 220(g)).

5. The installer shall plug and abandon a bore hole as prescribed in Minn. Rule MHD 218(c) (2):

a. whenever the plastic casing cannot be installed without exerting pressure, or

b. whenever a screen or pump cannot be installed without force, or

c. whenever the casing fails during the construction or pumping stages.

6. The installer shall equip a plastic-cased well with a steel casing or steel pitless unit to a depth equal to or greater than the frost line, in accordance with MHD 221. The installer must use an adapter which is satisfactory for use in plastic-cased wells.

7. The installer shall notify the well owner in writing of the fact that the well casing is plastic and therefore must not be used for electrical grounding.

³ This table shows the strength of PVC at various temperatures based on 73.4°F being 100% of its tested strength.

50°F	60°F	70°F	80°F	90°F	100°F	110°F	120°F	130°F	140°F	150°F
114%	107%	101%	95%	88%	83%	77%	72%	65%	40%	10%

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

Livestock Sanitary Board

Importation of Dogs and Exhibition of Livestock and Poultry in Minnesota

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), in Conference Room D, Veterans Service Building, 20 West 12th Street or Columbus Avenue, Monday, December 5, 1977 commencing at 10:00 a.m., and continuing until all interested or affected persons have had an opportunity to be heard.

Relevant statements or written material may be submitted for the record at the hearing or to Peter C. Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, phone 612-296-8118 before the hearing or within 5 working days after the close of the hearing.

Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1976).

The LSB proposes to amend LSB 2 to allow certain dogs to be imported without a health certificate and in some circumstances without rabies vaccination. To adopt duration of immunity intervals for vaccines which, because of improvement of the vaccines, will be for longer intervals.

The LSB proposes to amend LSB 40 to require that all swine, except those entered in slaughter classes, be tested negative for pseudorabies within 30 days prior to the opening day of the exhibition.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, 555 Wabasha, St. Paul, Minnesota 55102. Additional copies will be available at the hearing.

A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will introduce will be filed with the Hearing Examiner at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for

pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exemptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD
J. G. Flint, D.V.M.
Secretary and Executive Officer

Dated this 14th day of October, 1977

Rules as Proposed

This rule, adopted in 1965, was published in the State Register Vol. 2, No. 5, page 194, August 8, 1977 (2 SR 194) with proposed amendments of the rule.

The State Hearing Examiner has found that a portion of that proposal is in conflict with State Statutes. The Livestock Sanitary Board proposes the following changes in the rule which was considered at the public hearing September 8, 1977:

3 MCAR 2.002 Importation of dogs.

B. [2. Include a statement of rabies vaccination for all dogs three months of age and older,

a. Giving the date of vaccination, the product name, serial number, and the manufacturer's name.

3. The date of vaccination shall be within the established duration of immunity period recommended in the most recently published Compendium of Animal Rabies Vaccines as published by the Association of State Public Health Veterinarians, Inc.]

2. Certify that all dogs 3 months of age and over have been vaccinated and/or revaccinated against rabies with a USDA licensed rabies vaccine according to the package insert directions. Manufacturer's name, product name, vaccine serial number and date of vaccination or revaccination to be entered on the health certificate.

This rule, adopted in 1975 and published in the Minnesota Code of Agency Rules will be amended by the addition under (d) (3), of section or ¶ (bb), by addition of one sentence to (e) (1) and by addition under (e) of section or ¶ (5).

3 MCAR 2.040 Exhibition of livestock and poultry in Minnesota.

PROPOSED RULES

(a)-(d) (3) (aa) Remain unchanged.

(d) (3) (bb) Pseudorabies: All swine except slaughter classes described in (d) (1) shall be tested and negative for pseudorabies within 30 days prior to opening date of the exhibition. Record of the negative test shall be entered on a test chart or health certificate and presented to the official veterinarian at time of entry.

(d) (4)-(8) Remain unchanged.

(e) (1) All cattle, swine, sheep and goats shall meet the Minnesota Livestock Sanitary Board Importation Requirements of Regulation LSB 1, Importation of Cattle, LSB 5, Importation of Swine, LSB 20, Eradication of Sheep Scabies and LSB 3, Importation of Goats. These requirements are outlined in the Health Requirements and Regulations governing interstate shipments published by U.S.D.A. **Swine shall also meet requirements outlined in (e) (5).**

(e) (2)-(4) Remain unchanged.

(e) (5) Swine except slaughter classes described in (d) (1) shall be tested and negative for pseudorabies within 30 days prior to opening date of the exhibition. Record of the negative test shall be entered on the health certificate.

Public Employment Relations Board

Proposed Rules Governing Fair Share Appeal Procedures, Code of Professional Responsibility for Arbitrators, Arbitrator Selection and Compensation and Board Appeal Procedures

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Saint Paul, Minnesota, Conference Room D, on December 9, 1977, commencing at 9:30 a.m. 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 writ-

ten materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter C. Erickson, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within five working days after the close of the hearing, or for a period not to exceed 20 calendar days if ordered by the Hearing Examiner.

The proposed amendments, if adopted, would (a) render existing appeal procedure applicable to fair share fee appeals, (b) reflect statutory changes concerning arbitrator selection and compensation resulting from the adoption of House File 921 during the 1977 legislative session, (c) incorporate by reference the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes for arbitrators selected through the Board, and (d) give the Board greater flexibility in terms of summarily disposing of certain appeals.

A free copy of the proposed rules may be obtained by writing to the Public Employment Relations Board, Room 598, Space Center Building, 444 LaFayette Road, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

The Board's authority to adopt the proposed rules is contained in Minn. Stat. § 179.72, subd. 4 (1976). A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony it will be introducing will be filed with the Office of Hearing Examiners 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 (1976) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Don L. Bye
Member
Public Employment Relations Board

Rules as Proposed

PERB 1 Application. These rules shall apply to:

[(1)] A. Issues relating to the meaning of the terms supervisory employee, confidential employee, essential employee or professional employee [, and].

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

[(2)] **B. Appeals from determinations of the Director relating to the appropriateness of a unit or determination of supervisory employee.**

C. Appeals from determinations of the Director relating to a fair share fee challenge.

PERB 3 Definitions.

Paragraphs (a)-(d) remain the same.

(e) Appeal. "Appeal" means (1) issues relating to the meaning of the terms supervisory employee, confidential employee, essential employee or professional employee, [and] (2) appeals from determinations of the Director relating to the appropriateness of a unit or determination of supervisory employee[.], and (3) **appeals from determinations of the Director relating to a fair share fee challenge.**

Paragraphs (f)-(m) remain the same.

PERB 10 Informal and summary disposition.

A. Informal disposition. Informal disposition may be made of any appeal or any issue therein by stipulation, settlement or agreement at any point in the proceedings so long as said stipulation, settlement or agreement does not violate any provisions of law and is approved by the Board.

B. Summary disposition. The Board, on its own motion or on motion of any party, may dismiss an appeal, or may summarily affirm the order or decision below if the Board lacks jurisdiction or if it clearly appears that the appeal presents no question of substantial merit, or may limit the issues to be considered on appeal to those which present a substantial question. In case of obvious error the Board may summarily reverse or remand for additional proceedings or grant other appropriate relief.

PERB 35 Selection of an arbitrator.

[(a)] **A.** The Board shall maintain a master list of available arbitrators. This list shall be made up of qualified persons who have submitted an application in writing to the Board and have been approved. These applications shall be submitted to each member of the Board prior to any action being taken by the Board for approval of the applicant. A majority vote of the Board shall be required for placement or removal from the list.

[(b)] **B.** The Chairman of the Board or his designee shall select seven [7] names for consideration as the arbitrator, but the final selection of a seven [7]-member list shall be made by at least an affirmative vote of three [3] members of the Board which shall include the public member. In selecting the seven [7] names, the Board shall endeavor whenever possible to include names of persons from the general

geographic area in which the public employer is located. After the seven [7] arbitrators have been selected, the Board shall submit the said names to the parties. Within five [5] days thereafter, the parties shall, under the direction of the Chairman of the Board or his designee, who need not be physically present, alternately strike names from the list. [of 7] **If either party requests a single arbitrator, the parties shall alternately strike names from the list until only one name remains. If neither party requests a single arbitrator, the parties shall alternately strike names from the list until three [only 3] names remain, which three [3] persons shall constitute the panel. [if there is not agreement to select a single arbitrator.] If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. Notice of the selection of the arbitrator shall be immediately transmitted to the Board by the parties. The notice shall contain the name or names of the arbitrator selected and the name of the arbitrator selected by the parties as the convenor of the panel. If the parties fail to agree upon a convenor, the parties shall each strike, in the continued order of striking, one name from the arbitration panel. The remaining arbitrator shall act as the convenor for the arbitration panel for the purpose of commencing the proceeding.**

[(c)] The parties may, by mutual agreement, select a single arbitrator to hear the dispute. In selecting a single arbitrator, the parties may avail themselves of the procedures outlined in (b) above or mutually agree on a single arbitrator without the necessity of using the Board.]

PERB 40 Payment of arbitrator or panel. [The arbitrator or members of the panel shall be paid their traveling and expenses incurred in the performance of their duties plus a per diem allowance of \$100 for each day or part thereof while engaged in the consideration of a dispute.] All expenses and costs of the arbitrator or panel shall be shared and assessed equally to the parties to the dispute. **The term "consideration of a dispute," as used in Minnesota Statutes, section 179.72, subd. 6, includes, but is not limited to, time incurred in preparation, conduct of hearings, deliberations and preparation of the decision.**

PERB 41 Professional responsibility. In arbitrating disputes concerning terms and conditions of employment pursuant to Minn. Stat. § 179.72, arbitrators shall conform to the standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes as approved by the Joint Steering Committee of the National Academy of Arbitrators on April 28, 1975, incorporated herein by reference, to the extent not inconsistent with the provisions of the Public Employment Labor Relations Act and PERB 30-40.

PERB 50 Application. [These rules] **PERB 50-54** shall

PROPOSED RULES

apply only when the parties are unable to agree upon an arbitrator as provided by contract grievance procedures or the procedures established by the Director.

PERB 55 Professional responsibility. In arbitrating grievances pursuant to Minn. Stat. § 179.70, arbitrators shall conform to the standards and procedures set forth

in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes as approved by the Joint Steering Committee of the National Academy of Arbitrators on April 28, 1975, incorporated herein by reference, to the extent not inconsistent with the provisions of the Public Employment Labor Relations Act and PERB 50-54.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

OFFICIAL NOTICES

Department of Commerce

Notice of Hearing on Revision of Worker's Compensation Insurance Rates

Notice is hereby given, that a public hearing will be held by the Insurance Division of the Department of Commerce in Room 83 of the State Office Building commencing at 9:00 AM on December 13, 1977.

The purpose of the hearing is to consider a proposal for changes in Worker's Compensation insurance rates and any other matters that pertain to Worker's Compensation ratemaking in Minnesota. The proposal has been filed by the Minnesota Compensation Rating Bureau in accordance with Chapter 79 of the Laws of Minnesota. The entire proposal is on file and available to any interested parties, for examination, during regular office hours in the office of the Insurance Division, 5th Floor, Metro Square Building, St. Paul, Minnesota.

The proposal of the Minnesota Compensation Rating Bureau requests an effective date of October 1, 1977.

Examination of the Minnesota Compensation Rating Bureau's proposal dated August 29, 1977 indicates a proposed increase of 71.8% broken down by industry groups as follows: Manufacturing 84.6% increase; Contracting 71.2% increase; and All Others 64.5% increase.

Any interested party desiring to file a proposal relating to Worker's Compensation insurance rates in Minnesota is requested to do so twenty (20) days prior to said hearing, two copies of said proposal to be filed with the Insurance Division, 5th Floor, Metro Square Building, St. Paul, Minnesota, 55101.

All interested persons who wish to present testimony or who wish to question witnesses should contact Thomas L. O'Malley, Assistant Commissioner of Insurance, at least twenty (20) days prior to the commencement of this hearing. A pre-hearing conference will be scheduled by the Insurance Division to discuss procedures to be followed during the Worker's Compensation hearing.

A copy of Exhibit A of the proposal by the Minnesota Compensation Rating Bureau will be made available at no cost upon receipt of a written request. Additional copies will be available at the Hearing.

Berton W. Heaton
Commissioner of Insurance

Ethical Practices Board

Notice of Meeting and Preliminary Agenda

November 7, 1977
1:30 p.m.
State Office Building, Room 14

1. Minutes (October 11, 1977)
2. Report of Chairperson
3. Report of Legal Counsel
4. Advisory Opinion — Senator Winston Borden
5. Advisory Opinion — Wyman L. Spano
6. Legislative Recommendations
7. Executive Director Report
 - a) Financial Statement
 - b) Annual Report
8. Other Business
9. Executive Session Pursuant to M. S. 10A.01, subd. 11.

Advisory Opinion No. 36

Adopted by Ethical Practices Board on October 11, 1977

Issued to:

Kennon V. Rothchild, President
State University Board
St. Paul, Minnesota 55101

Syllabus

It is not a conflict of interest for the spouse of the President of the State University Board to accept a contract as a "community faculty" member of Metropolitan State University.

Text

As a member and President of the State University Board, you have requested an advisory opinion from the Minnesota Ethical Practices Board based on the following:

Facts

You are President of the State University Board and are required to file a statement of economic interest pursuant to Minn. Stat. § 10A.09 (1976). The Board is responsible for educational management, supervision, and control of the seven state universities, including Metropolitan State University. The Board has within its responsibility of management and supervision of the State University System the power to delegate administrative authority to respective university presidents who have the responsibilities for appointing and removing personnel. The President of Metropolitan State University has such authority to hire "community faculty" members who serve on a contractual basis as non-state employees. Payment for services of "community faculty" members is subject to satisfactory performance as determined by the state authorizing agency, which in the case of "community faculty" members, is the Director of Administrative Service of the University. No member of the University Board signs the contracts for "community faculty" members and, normally, the Board does not become involved in the supervision of such contracts.

At the present time, your spouse is considering accepting a contract as a "community faculty" member at Metropolitan State University for a maximum salary of \$3,000.

Question:

Pursuant to Minn. Stat. § 10A.07, does a conflict of interest or potential conflict of interest exist? Secondly, if such a conflict or potential conflict of interest does exist, would the filing of a conflict of interest notice with the State University Board and the Ethical Practices Board permit your spouse to accept the "community faculty" contract?

Opinion:

In the opinion of the Board, there is no conflict of interest or potential conflict of interest because Minn. Stat. § 10A.07 (1976) requires a conflict of interest notice to be filed only by a public official "who in the discharge of his official duties would be required to take an action or make a decision which would substantially affect his financial interests or those of a business with which he is associated, unless the effect on him is no greater than on other members of his business classification, profession or occupation." EC Rule 301 (c) defines "Business with which he is associated" as "any association in connection with which the individual is compensated in excess of \$50 except for actual and reasonable expense in any month as a director, officer,

owner, member, partner, employer or employee, or is a holder of securities worth \$2,500 or more at fair market value." EC Rule 301 (e) states that "financial interest" means "any asset controlled by an individual or business which has the potential to produce a monetary return."

Even though it might appear to some persons that financial interests of a spouse are one and the same with the spouse who is a public official, the Ethics In Government Act carefully confines disclosure to the spouse who is a public official.

In answer to your second question, there is nothing in the Ethics In Government Act to prevent your spouse from accepting employment with Metropolitan State University. Even if the Board had jurisdiction to determine that there could be a conflict of interest in this circumstance, there is nothing in Minnesota Statute Chapter 10A to prevent your spouse from accepting employment with any state agency.

Minnesota State Retirement System

Notice of Meeting

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, November 18, 1977, at 9:00 A.M. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Department of Transportation

Notice of Regional Public Information Meetings on Development of a State Transportation Plan

Public information meetings on the state transportation plan have been announced by the Minnesota Department of Transportation (Mn/DOT). Meetings will be conducted by each of the State's regional development commissions. The purpose of the meetings will be to present the policy position of the regional task forces that have been assisting the Department in the development of the state transportation plan. The meeting schedule is:

<i>Region</i>	<i>Date</i>	<i>City</i>	<i>Time</i>	<i>Location</i>
RDC 1	November 14	Warren	7:00 p.m.	Warren State Bank 202 West Johnson
RDC 2	December 1	Bemidji	7:30 p.m.	J. W. Smith Elementary School

OFFICIAL NOTICES

RDC 3	November 21	Grand Rapids	7:30 p.m.	City Hall Council Chambers 420 Pokegama North
RDC 3	November 22	Duluth	7:30 p.m.	First United Methodist Church Lakeview Room Skyline Parkway and Central Entrance
RDC 4	November 30	Fergus Falls	7:00 p.m.	Fergus Falls Community College Science Auditorium Old Highway 210 West
RDC 5	December 8	Brainerd	7:00 p.m.	Crow Wing County Service Building Meeting Room 1 Behind County Courthouse on Laurel
RDC 6W	December 1	Appleton	7:30 p.m.	Civic Center 323 West Schlieman Avenue
RDC 6E	December 1	Tentative	7:00 p.m.	Tentative
RDC 7W	December 7	St. Cloud	7:00 p.m.	City Hall Annex 4th Avenue North
RDC 7E	December 5	Mora	7:00 p.m.	Mora City Library 200 West Maple Avenue
RDC 8	December 1	Slayton	7:30 p.m.	Murray County Courthouse Annex South of County Courthouse on Broadway
RDC 9	December 7	Mankato	8:00 p.m.	Region 9 Office 120 South Broad Street
RDC 10	November 17	Rochester	7:30 p.m.	Marquette Bank Building Room 301 Broadway and 2nd Avenue SE
RDC 11	November 15	Minneapolis	7:00 p.m.	Dunwoody Institute Auditorium 818 Wayzata Avenue North
RDC 11	November 15	St. Paul	7:00 p.m.	Metro Square Building Conference Room A and B 7th and Robert Streets
RDC 11	November 14	White Bear Lake	7:00 p.m.	White Bear VoTech — District 916 Room 147 3300 Century Avenue North
RDC 11	November 14	Tentative	7:00 p.m.	Tentative
RDC 11	November 16	Eden Prairie	7:00 p.m.	Hennepin Technical Center South Campus Center Auditorium 9200 Flying Cloud Drive
RDC 11	November 16	Tentative	7:00 p.m.	Tentative

U.S. POSTAL SERVICE		
STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION		
(Required by 39 U.S.C. 3685)		
1. TITLE OF PUBLICATION State Register		2. DATE OF FILING 10/31/77
3. FREQUENCY OF ISSUE Weekly	A. NO. OF ISSUES PUBLISHED ANNUALLY 52	B. ANNUAL SUBSCRIPTION PRICE \$110
4. LOCATION OF KNOWN OFFICE OF PUBLICATION (Street, City, County, State and ZIP Code) (Not printers) 95 Sherburne Avenue, St. Paul, Ramsey County, Minnesota 55103		
5. LOCATION OF THE HEADQUARTERS OR GENERAL BUSINESS OFFICES OF THE PUBLISHERS (Not printers) 95 Sherburne Avenue, St. Paul, Ramsey County, Minnesota 55103		
6. NAMES AND COMPLETE ADDRESSES OF PUBLISHER, EDITOR, AND MANAGING EDITOR		
PUBLISHER (Name and Address) State of Minnesota 95 Sherburne Avenue, St. Paul, MN 55103		
EDITOR (Name and Address) Jeanne Boutang 95 Sherburne Avenue, St. Paul, MN 55103		
MANAGING EDITOR (Name and Address) Jeanne Boutang 95 Sherburne Avenue, St. Paul, MN 55103		
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given.)		
NAME	ADDRESS	
State of Minnesota	95 Sherburne Ave., St. Paul, MN	
Department of Administration	55103	
8. KNOWN BONDHOLDERS, MORTGAGEES, AND OTHER SECURITY HOLDERS OWNING OR HOLDING 1 PERCENT OR MORE OF TOTAL AMOUNT OF BONDS, MORTGAGES OR OTHER SECURITIES (If there are none, so state)		
NAME	ADDRESS	
none		
9. FOR COMPLETION BY NONPROFIT ORGANIZATIONS AUTHORIZED TO MAIL AT SPECIAL RATES (Section 132.122, PSM) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)		
<input type="checkbox"/> HAVE NOT CHANGED DURING PRECEDING 12 MONTHS <input type="checkbox"/> HAVE CHANGED DURING PRECEDING 12 MONTHS (If changed, publisher must submit explanation of change with this statement.)		
10. EXTENT AND NATURE OF CIRCULATION	AVERAGE NO. COPIES EACH ISSUE DURING PRECEDING 12 MONTHS	ACTUAL NO. COPIES OF SINGLE ISSUE PUBLISHED NEAREST TO FILING DATE
A. TOTAL NO. COPIES PRINTED (Net Press Run)	947	900
B. PAID CIRCULATION		
1. SALES THROUGH DEALERS AND CARRIERS, STREET VENDORS AND COUNTER SALES	0	0
2. MAIL SUBSCRIPTIONS	687	602
C. TOTAL PAID CIRCULATION (Sum of 10B1 and 10B2)	687	602
D. FREE DISTRIBUTION BY MAIL, CARRIER OR OTHER MEANS SAMPLES, COMPLIMENTARY, AND OTHER FREE COPIES	35	122
E. TOTAL DISTRIBUTION (Sum of C and D)	722	724
F. COPIES NOT DISTRIBUTED		
1. OFFICE USE, LEFT OVER, UNACCOUNTED, SPOILED AFTER PRINTING	225	176
2. RETURNS FROM NEWS AGENTS	0	0
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)	947	900
11. I certify that the statements made by me above are correct and complete.	SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER <i>Jeanne Boutang, editor</i>	
12. FOR COMPLETION BY PUBLISHERS MAILING AT THE REGULAR RATES (Section 132.121, Postal Service Manual)		
39 U. S. C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates."		
In accordance with the provisions of this statute, I hereby request permission to mail the publication named in Item 1 at the phased postage rates presently authorized by 39 U. S. C. 3626.		
SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER <i>Jeanne Boutang, editor</i>		

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules, notices and executive orders.

- _____ Annual subscription \$110.00
- _____ Additional subscription \$85.00

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

- _____ Single copy \$5.00 + \$.20 (sales tax) = \$5.20*

Guidebook to State Agency Services. The 53rd issue of the State Register, a how-to-get-it guide to state services. Detailed information about every service available to the public, in clear, simple English.

- _____ Single copy \$5.95 + \$.24 (sales tax) = \$6.19*
- _____ Ten copies or more \$5.00 + \$.20 (sales tax) = \$5.20*

Minnesota Code of Agency Rules (MCAR). The permanent, 15 volume set of state agency rules. An indispensable reference work for the practice of administrative law.

- _____ 15 volume set \$325.00, includes the annual update service subscription for the year of order and a set of MCAR binders.

MCAR Binders. A set of 15 sturdy, three inch, three-ring binders in attractive forest green, imprinted with the MCAR logo.

- _____ 15 volume set \$35.00 + \$1.40 (sales tax) = \$36.40*

*To avoid Minnesota sales tax, please include below your tax exempt number.

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

Name _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

Tax Exempt Number _____



Legislative Reference Library
Attn: Stephen Plumb
Room 111 State Capitol
St. Paul, Minnesota 55155

I