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STATE OF
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HIGHLIGHTS:

- Licensing Livestock Market Agencies, Stockyards, Dealers
—Adopted Rules from the Department of Agriculture page 948
- Leaves of Absence, Allocation of Positions, Layoffs
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Jeanne Boutang
Editor

Paul Hoffman
Editor

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RULES

Department of Agriculture Licensing and Bonding of Livestock Market Agencies, Public Stockyards, and Livestock Dealers

The following rules are adopted and are identical in every respect to their proposed form as published in *State Register*, Vol. 2, No. 6, pp. 248-251, August 15, 1977 (2 S.R. 248-251), and are published herein by reference only as provided in RGSTR 5, except for the following changes:

Chapter Twenty-Three Licensing and Bonding of Livestock Market Agencies, Public Stockyards and Livestock Dealers

3 MCAR § 1.0563 Definitions.

A. As used in 3 MCAR § 1.0563 through 3 MCAR § 1.0568 the following definitions and those definitions in Minn. Stat. ch. 17A shall apply:

§ 1.0564 Licensing.

A. Any person desiring to carry on business as a livestock market agency, livestock dealer and any agent thereof, or public stockyard shall make application for licensing to and on forms provided by the commissioner.

1. Financial statements and volume reports. Each new application for a license to operate a livestock market agency or a livestock dealer shall file with the application a current balance sheet and financial statement on forms provided by the commissioner. With each subsequent annual application, the livestock market or livestock dealer shall file a report of its business volume for the preceding calendar or fiscal year, as appropriate, for the purpose of determining the amount and adequacy of the applicant's surety bond.

2. License Requirements. Before a license is issued to a livestock market agency, a public stockyard, or a livestock dealer and its agents, the applicant shall:

(1) ~~[[Satisfactorily d]]~~ Demonstrate that his assets exceed his liabilities;

(3) Indicate that the applicant has complied with other statutes and rules ~~[[enforced]]~~ administered by the commissioner and/or the Minnesota Livestock Sanitary Board; and,

3. Expiration.

a. The license of a livestock market agency or a

public stockyard shall expire on December 31, each year ~~[[and shall be required to be renewed annually]]~~.

b. The license of a livestock dealer and its agents shall expire on June 30, each year ~~[[and shall be renewed annually]]~~.

D. A livestock market agency or a livestock dealer and its agents shall be exempt from the licensing requirements of Minn. Stat. ch. 17A if their business is conducted exclusively at a public stockyard.

F. Refusal to License. In addition to grounds for refusal to license in Minn. Stat. ch. 17A.04, subd. 6, the commissioner may refuse to issue a license if the applicant has engaged in or used any unfair or deceptive practice or device in connection with marketing of livestock.

G. Discontinuance of Licenses.

1. If a dealer voluntarily discontinues dealing in livestock, or fails to meet the requirements of Minn. Stat. ch. 17A or rules promulgated thereunder, his license, and the licenses of ~~[[its]]~~ his agents, if any, shall automatically be invalid and shall be surrendered to the commissioner.

3. If a livestock market agency voluntarily discontinues business or fails to meet the requirements of Minn. Stat. ch. 17A or rules promulgated thereunder, its license shall automatically be invalid and shall be surrendered to the commissioner.

§ 1.0565 Bonding.

A. Each livestock market agency and livestock dealer applying for a license shall file with the commissioner a valid and effective surety bond issued by a surety company licensed to do business in the State of Minnesota or otherwise meeting the requirements of 3 MCAR § 1.0563 through § 1.0568.

B. Amount and Form of Surety Bonds.

1. The amount of a surety bond shall be not less than \$10,000 for a livestock market agency and \$5,000 for a livestock dealer, or such larger amounts as:

a. Required by the Packers and Stockyards Administration; or,

b. Determined by the commissioner based on consideration of the principal's financial statement, the volume of business reported, or other factors the commissioner finds pertinent and necessary to protect the public interest.

2. A livestock market agency's surety bond shall be

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executed on a Packers and Stockyards Act form with the appropriate condition clauses deleted.

3. A livestock dealer's surety bond executed on a form provided by the commissioner shall be limited to the protection of claimants whose residence or principal place of livestock business is in the State of Minnesota at the time of transaction.

4. In lieu of a livestock dealer's surety bond executed on a form provided by the commissioner, a Packers and Stockyards Act surety bond executed on a Packers and Stockyards Act form with the appropriate condition clauses deleted shall be acceptable.

5. In lieu of a livestock market agency surety bond executed on a Packers and Stockyards Act form, a trust fund agreement executed in accordance with the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), shall be acceptable.

6. If the dealer is registered with the Packers and Stockyards Administration, a surety bond or its equivalent in the form of a trust fund agreement executed in accordance with the Packer and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), shall be accepted in lieu of a dealer's surety bond executed on a Packers and Stockyards Act form.

7. If, in the judgment of the commissioner, an adjustment in the amount of an individual surety bond [[amount]] is necessary to protect the public interest, the commissioner may, at any time, raise or lower individual surety bond requirements.

§ 1.0566 Claims Against Surety Bonds.

A. Any person claiming to be damaged by any breach of the conditions of a surety bond on a licensee may file a complaint with the commissioner stating in writing the facts constituting the claim accompanied by documentary proof

of claim against the licensee. No such claim shall be considered unless it is filed within one year of the date of the alleged breach. However, if a livestock market agency or a livestock dealer has on file with the commissioner a Packers and Stockyards Act surety bond and is registered with the Packers and Stockyard Administration, the terms of the bond or that federal agency's regulations shall prevail in determining the time for filing claims. In any case where a claim is timely filed, the commissioner shall have a power to require the licensee to appear in hearing for the purpose of determining all liability of the licensee under the terms of his surety bond. The procedures for such hearing shall be covered by Minn. Stat. ch. 17A and ch. 15.

§ 1.0568 Packing Plants and Stockyards, Weighing.

B. Policies and Procedures, Weighing Tickets.

1. Requirements regarding scale tickets evidencing weighing of livestock. The actual weight of the livestock as certified by the state weigher shall be imprinted on the Official Certificate of State Weight (scale ticket) before the livestock are removed from the scale platform.

Department of Personnel

Adopted Temporary Rules

Governing Labor Service, Leaves of Absence, Allocation and Re-Allocation of Positions, Layoffs, and Travel Reimbursement

The temporary rules published at *State Register*, Vol. 2, No. 1, p. 50, July 11, 1977 (2 S.R. 50) and adopted at *State Register*, Vol. 2, No. 8, p. 308, August 29, 1977 (2 S.R. 308), are continued in effect until February 8, 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]].

OFFICIAL NOTICES

Energy Agency

Notice of Intent to Solicit Outside Opinion on Proposed Energy Agency Rules Governing Contents of Applications for Certificates of Need and Criteria for Assessment of Need for Fuel Conversion Facilities, Coal Slurry Pipelines, Nuclear Fuel Processing Facilities, and Nuclear Waste Storage or Disposal Facilities

Notice is hereby given that the Minnesota Energy Agency (hereinafter the "Agency") is seeking information or opinions from sources outside the Agency in preparing to adopt rules governing contents of applications for certificates of need and criteria for assessment of need for fuel conversion facilities, coal slurry pipelines, nuclear fuel processing facilities, and nuclear waste storage or disposal facilities.

The Agency requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information and comments orally or in writing. Written statements may be addressed to:

David L. Jacobson
Chief Energy Facility Analyst
Minnesota Energy Agency
720 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-7502 and in person at the above address.

All statements of information and comments must be received by December 31, 1977. Any written material received by the Agency shall become part of the hearing record in the event that rules are proposed for adoption.

Dated: October 28, 1977

Richard A. Wallen
Director
Certificate of Need Program

Ethical Practices Board Finding of Fact

October 11, 1977

In the Matter of a Review of the Aitkin County DFL Women's Club

Summary of Findings

The Ethical Practices Board finds there is no probable cause to believe that the Aitkin County DFL Women's Club contributed in excess of the applicable 1976 contribution limits to the "Doc" Nelsen Volunteer Committee because the club is a part of the DFL party's organization in Aitkin County. The limit for DFL party unit contributions to the "Doc" Nelsen Volunteer Committee in 1976 was \$4,500.*

Manner In Which The Matter Came To The Board's Attention

The staff, in the course of reviewing campaign reports for 1976, noted a \$1,000 contribution from the Aitkin County DFL Women's Club to the principal campaign committee of Representative "Doc" Nelsen.

Applicable Law

Minn. Stat. § 10A.25, subd. 2. In a year in which a candidate stands for election no expenditures shall be made and no obligations to make expenditures shall be incurred by a candidate or by a political committee, political fund or individual which makes expenditures with the authorization, express or implied, and under the control, direct or indirect, of the candidate or his agents which results in the aggregate expenditure on behalf of the candidate of an amount in excess of the following amounts:

(a) For governor and lieutenant governor, running jointly, 12½ cents per capita or \$600,000, whichever is greater;

(b) For attorney general, 2½ cents per capita or \$100,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1¼ cents per capita or \$50,000, whichever is greater;

(d) For state senator, 20 cents per capita or \$15,000, whichever is greater;

(e) For state representative, 20 cents per capita or \$7,500, whichever is greater.

Minn. Stat. § 10A.27, subd. 2. No political party shall make expenditures on behalf of a candidate or transfer funds to the principal campaign committee of a candidate in an amount in excess of 50 percent of the amount that may be

*Representative "Doc" Nelsen had a higher expenditure limit due to a contested primary election (Minn. Stat. § 10A.25, subd. 5).

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spent by or on behalf of that candidate as set forth in Minn. Stat. § 10A.25.

Minn. Stat. § 10A.27, subd. 4. For the purposes of this section, a political party includes a political party's organization within congressional districts, counties, legislative districts, municipalities, wards, precincts, and any legislative body.

Issues to be Decided

The Board was required to determine if the Aitkin County DFL Women's Club is a part of the DFL party's official party organization, thus eligible along with other party elements to give up to \$4,500, in aggregate, to Representative "Doc" Nelsen.

Findings of Fact

Based upon reports, files, written statements, and a hearing, and after due consideration of the same:

1. The Aitkin County DFL Women's Club is a political committee registered with the Ethical Practices Board. The club did report its campaign expenditures and contributions to the Board.

2. The Aitkin County DFL Women's Club contributed \$1,000 to the principal campaign committee of Representative "Doc" Nelsen, District 13B.

3. A review of the relationship between the Aitkin County DFL Women's Club and the DFL party revealed that the Aitkin County DFL Women's Club is an element of the party's organization within Aitkin County. In the opinion of the Board, the Aitkin County DFL Women's Club is officially recognized by the Aitkin County DFL as a subunit of the county organization which is officially recognized by DFL State Central Committee. Although the DFL State Central Committee does not recognize the Aitkin County DFL Women's Club as an official party element, the DFL Party Constitution and long-standing practice permit official party elements to authorize subunits in their jurisdictions. In this case, evidence presented to the Board convinced it that the Aitkin County DFL Women's Club is part of Aitkin County DFL organization.

Board Decision

The Ethical Practices Board finds there is no probable cause to believe the Aitkin County DFL Women's Club exceeded the contribution limit because in the opinion of the Board, the Aitkin County DFL Women's Club is subject to Minn. Stat. § 10A.27, subd. 2 because it is an element of the DFL party's organization in Aitkin County.

Adopted by the Ethical Practices Board on October 11, 1977.

Finding of Fact

October 11, 1977

In the Matter of the Review of the Miller Volunteer Committee

The Ethical Practices Board has probable cause to believe that the Miller Volunteer Committee, Pine Island, Minnesota, Ruby Miller, Treasurer, exceeded the 1976 campaign expenditure limit by \$3.12, therefore, the Board authorized the Executive Director and Board legal counsel to take appropriate steps to seek a penalty pursuant to Minn. Stat. § 10A.28.

Manner In Which The Matter Came To The Board's Attention

The staff, in the course of reviewing campaign reports for 1976, noted that the Miller Volunteer Committee reported campaign expenditures of \$7,512.46.

Issues to be Decided

The Board was required to decide whether or not the Miller Volunteer Committee exceeded the campaign expenditure limit. Minn. Stat. § 10A.25, subd. 2.

Findings of Fact

Minn. Stat. § 10A.25. Applicable Law

Subd. 2. In a year in which a candidate stands for election, no expenditures shall be made and no obligations to make expenditures shall be incurred by a candidate or by a political committee, political fund or individual which makes expenditures with the authorization, express or implied, and under the control, direct or indirect, of the candidate or his agents which results in the aggregate expenditure on behalf of the candidate of an amount in excess of the following amounts:

(a) For governor and lieutenant governor, running jointly, 12½ cents per capita or \$600,000, whichever is greater;

(b) For attorney general, 2½ cents per capita or \$100,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1¼ cents per capita or \$50,000, whichever is greater;

(d) For state auditor, 20 cents per capita or \$15,000, whichever is greater;

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(e) For state representative, 20 cents per capita or \$7,500, whichever is greater.

1. Darrell R. Miller was a candidate for election in District 32B in 1976.

2. The Miller Volunteer Committee, Ruby Miller, Treasurer, was registered with the Board and filed Reports of Receipts and Expenditures as required by law.

3. Ruby Miller, Treasurer, Miller Volunteer Committee filed a Report of Receipts and Expenditures on January 31, 1977, disclosing campaign expenditures of \$7,512.66, or \$12.66 in excess of the 1976 campaign expenditure limit. On June 6, 1977, at the direction of the Board, a letter was sent to Ruby Miller, Treasurer, Miller Volunteer Committee, Pine Island, Minnesota, indicating the Board had reason to believe the Miller Volunteer Committee had exceeded the 1976 campaign expenditure limit. The letter was received by Ruby Miller, Treasurer of the committee on June 7, 1977. On July 12, 1977, another letter was sent to Ms. Miller requesting an answer to the letter of June 6, 1977. It was received by Darrell Miller on July 20, 1977. On or about August 1, 1977, a receipt for \$9.54 in newspaper subscriptions was provided the Board without additional comment. The Board accepted the \$9.54 as non-campaign expenditures, however, the Miller Volunteer Committee was still \$3.12 in excess of the campaign expenditure limit. On August 17, 1977, another letter was forwarded to Ms. Miller requesting additional information on the excess expenditures. No response was received. The Board then directed another letter dated September 8, 1977, be sent indicating that unless the Board received information disputing the Board's position, it would be presumed the Miller Volunteer Committee was \$3.12 in excess of the expenditure limit. The letter was received on September 19, 1977, by Darrell R. Miller and as of October 11, 1977, no response from Darrell Miller or Ruby Miller was received.

Board Decision

Based on the aforementioned communication, the Ethical Practices Board finds probable cause to believe that the Miller Volunteer Committee exceeded the 1976 campaign expenditure limit by \$3.12. The Board directs its Executive Director and legal counsel to take the appropriate legal measures to obtain the penalty pursuant to Minn. Stat. § 10A.28.

Adopted by the Ethical Practices Board on October 11, 1977.

Metropolitan Council

Public Hearings on Proposed Revised Aviation Guide Chapter to the Metropolitan Development Guide

The Metropolitan Council will hold two public hearings to receive public comment on a proposed revised Aviation Guide Chapter to the Metropolitan Development Guide. The public hearings will be held on Tuesday, November 29, 1977, 7:30 p.m., at Richfield West Junior High School, 75 St. and Oliver Av. S., Richfield, Minnesota and on Wednesday, November 30, 1977, 7:30 p.m., at the Metropolitan Council Chambers, 300 Metro Square Building, Seventh and Robert Streets (use Jackson Street entrance), St. Paul, Minnesota 55101. All interested persons are encouraged to attend and offer their comments or to submit written statements to the Metropolitan Council at the above address. Written comments may be submitted until Dec. 7, seven days following the hearing. Persons are encouraged to register in advance to speak by contacting the Metropolitan Council's public hearing coordinator at 291-6482. Those who register first will be scheduled to speak first. Copies of the proposed revised Aviation Guide Chapter are available free of charge from the Metropolitan Council's Public Information Office, 291-6464.

John Boland
Chairman

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on Rules Governing Cost of Care Reimbursement for Mentally Retarded, Epileptic and Emotionally Handicapped Children

Notice is hereby given that the Minnesota Department of Public Welfare is seeking information or opinions from sources outside the Department of Welfare in preparing a single new rule governing reimbursement to local county welfare departments for the costs of residential treatment of mentally retarded epileptic and emotionally handicapped children placed outside of state institutions, and the financial responsibility of the parent(s) and the child to contribute to the cost of care expenditures. This rule is authorized by Minn. Stat. § 252.27 (1976), as amended by Laws of 1977 ch. 331.

Current rules relating to the cost of care program are

OFFICIAL NOTICES

Minn. Rules DPW 30 and 33, and Temporary Rules DPW 30a and 33a as published at 2 S.R. 754 (October 11, 1977).

All interested parties desiring to submit information and comments on the subject matter of the proposed rule should address their statements to:

Sandra Erickson
Division of Social Services
Department of Public Welfare
Centennial Office Building
St. Paul, Minnesota 55155

All written material received by the Department of Public Welfare will become part of the hearing record for the rule. All statements must be received by December 1, 1977.

Department of Transportation

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

Additional public information meetings on the state transportation plan have been confirmed by the Minnesota Department of Transportation (MnDOT). Meetings will be conducted in each of the State's development regions. The purpose of the meetings will be to present the policy positions of the regional task forces that have been assisting the Department in the development of the state transportation plan. The final 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 18th Street and America Avenue
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 5	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 Fourth 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

OFFICIAL NOTICES

RDC 10	November 17	Rochester	7:30 p.m.	Marquette Bank Building Room 301 Broadway and Second Avenue S.E.
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 Rooms A & B Seventh and Robert Street
RDC 11	November 14	White Bear Lake	7:00 p.m.	White Bear Vo Tech — District 916 Room 147 3300 Century Avenue North
RDC 11	November 14	Inver Grove Heights	7:00 p.m.	Inver Grove Hts. Senior High Science Lecture Room 9875 Inver Grove Trail East
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	Brooklyn Park	7:00 p.m.	Hennepin Technical Center North Campus Auditorium 9000-77th Avenue North

Questions should be directed to:

Peter Fausch
Director of Transportation Development
Minnesota Department of Transportation
Saint Paul, Minnesota 55155

Or call: 612-296-3158

Errata

1. 2 S.R. 829: change], through their respective governing authorities,] to [, through their respective governing authorities,] at MCAR § 1.524 A.

2. 2 S.R. 838: change heading "Rules as Adopted" to "Rules as Proposed"

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