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State Register

STATE OF MINNESOTA

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EXECUTIVE ORDERS

Executive Order No. 158

Writ of Special Election to Fill Vacancy in the Office of the State Senator of District 49 Within the Counties of Anoka and Ramsey, State of Minnesota, and of Special Primary Election to Nominate Candidates for Said Election

To the People of the State of Minnesota and particularly of the Legislative District 49 within the counties of Anoka and Ramsey; to the Secretary of the State of Minnesota; to the County Auditors of the above-named counties; to all Election Officials of said District 49; and to all others who may be concerned — Greetings:

WHEREAS, a vacancy now exists in the office of State Senator from District 49 of the State of Minnesota, caused by the resignation of the Senator, the Honorable John W. Milton, and

WHEREAS, a special election to fill said vacancy is necessary:

NOW, THEREFORE, I, RUDY PERPICH, AS GOVERNOR OF THE STATE OF MINNESOTA, acting under the authority and direction of the Minnesota Constitution Art. IV, Sec. 4, and Minn. Stat. §§ 202A.61 to 202A.61 (1976), as amended, and other relevant statutes, do hereby direct:

1. That a special election to fill the vacancy be held in Legislative District 49 on Saturday, the third day of December 1977.

2. That a special primary election for the nomination of candidates for the office be there held on Saturday, the 19th day of November 1977.

3. That affidavits of candidacy must be duly filed on or before Saturday, the 12th day of November 1977, and petitions of candidacy before Saturday, the 26th day of November 1977.

4. That the notices of this special election and special primary election be given, that the nomination and election of candidates and the conduct of these elections be had and all things pertaining thereto be done as provided by Minn. Stat. §§ 202A.61 to 202A.71 (1976), as amended, and other applicable provisions of law.

IN WITNESS WHEREOF, I hereunto set my hand at the Capitol, in the City of Saint Paul, Minnesota, this first day of November, 1977.

Executive Order No. 159

Providing for the Establishment of the Governor's Council on Employment and Training and Repealing Executive Orders 79 and 79A

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, the Comprehensive Employment and Training Act of 1973 (CETA), Public Law 93-203, established a decentralized Federal, State and local system of manpower programs that provide job training, employment opportunities, education, and other services for economically disadvantaged, unemployed and underemployed persons, and,

WHEREAS, CETA requires the coordination of prime sponsor and State agency manpower policy, plans and services throughout the State and for the State to act as prime sponsor for the planning and delivery of manpower and related services in the "Balance of State" area not under the jurisdiction of other Federally-designated prime sponsors in the State, and

WHEREAS, by definition, the term "manpower" includes training and educational programs and supportive services aimed at increasing the skills and employment opportunities for economically disadvantaged, unemployed and underemployed persons, and

WHEREAS, manpower programs provide skill training, rehabilitation, transitional employment experience, job placement and related child care, social and health services, and

WHEREAS, it is vital that State and local agencies closely coordinate their efforts to develop plans which meet the locally determined needs, recommend meaningful programs to alleviate employment problems, reduce duplication and gaps in manpower services, and effectively and economically utilize State and Federal manpower funds, and

WHEREAS, employment and training programs need to be integrated with all human services, and

WHEREAS, it is required by CETA to establish a State Manpower Services Council made up of representatives of program and agency sponsors, business, labor, community-based organizations, clients and the general public to advise on comprehensive manpower plans and services and the administration of CETA funds:

NOW, THEREFORE, I order:

1. The formation of the Governor's Council on Employment and Training.

a. This Council will be composed of representatives of Federally-designated CETA Title I prime sponsors, State Department of Economic Security, State Advisory Council on Vocational Education, State Board of Vocational Education, and representatives of other state agencies, business, labor, community-based organizations, the client community, related boards and councils and the general public.

b. Prime sponsor representatives shall make up at least one-third of the Council and shall be designated by the chief elected or executive official in the prime sponsor jurisdiction and appointed by the Governor. All other members, including the Chairperson, serve at the pleasure of the Governor.

c. The duties of the Council include: advising the Governor, prime sponsors, and the public on Statewide employment and training policy; reviewing employment and training plans of each prime sponsor and appropriate state agencies and making comments and recommendations thereon for the purpose of coordinating State agency and prime sponsor employment and training programs; monitoring State agency and prime sponsor programs and services; preparing an annual report to the Governor; and consulting with the State Advisory Council on Vocational Education to identify the employment and training vocational education needs in Minnesota and to assess the extent to which employment training, vocational education, vocational rehabilitation and other programs represent a consistent, integrated and coordinated approach to meeting such needs.

d. The Council shall meet at least quarterly and shall be authorized to determine its operating procedures in accordance with State and Federal statutes and regulations.

2. All state departments and agencies shall cooperate with the council established in this Executive Order.

This Order shall supersede paragraphs one through three and paragraph five of Executive Order No. 79, dated March 20, 1974, executed by Governor Wendell R. Anderson, providing for the implementation of the Comprehensive Employment and Training Act of 1973, and an Executive Order dated May 20, 1976, executed by Governor Wendell R. Anderson, amending Executive Order No. 79.

This Order is effective 15 days after publication in the State Register and shall remain in effect until rescinded by the proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 31st day of October, 1977.

Executive Order No. 160

Providing for the Transfer of the Administration of State and Federally-funded Programs Previously Administered by the Governor's Manpower Office to the Department of Economic Security, and Repealing Executive Order No. 125

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, the United States of America, pursuant to the Federal Comprehensive Employment and Training Act, has made available to the State of Minnesota funds to provide a system of state and local manpower programs that provide job training, employment opportunities, education and other services for economically disadvantaged, unemployed and underemployed persons, and

WHEREAS, the United States of America, pursuant to the Federal Social Security Act and the Federal Comprehensive Employment and Training Act, has made available to the State of Minnesota funds for the implementation of a demonstrational training and employment project entitled the Work Equity Program as envisaged by Laws of 1977, ch. 301, and

WHEREAS, the United States of America pursuant to the Federal Economic Opportunity Act and the Federal Community Services Act has made available to the State of Minnesota funds for the purpose of providing for state level and statewide advocacy, policy development, coordination, and implementation of state and federally funded anti-poverty demonstration programs, including certain programs funded under the Federal Energy Conservation and Production Act and the Federal Housing Community Development Act of 1974, and

WHEREAS, the United States of America, pursuant to the Federal Older American Community Services Employment Act, has made available funds to the State of Minnesota for the purpose of promoting useful part-time opportunities in community service activities for certain unemployed persons, and

WHEREAS, the Governor's Manpower Office, as established by Executive Order 79, dated March 20, 1974, executed by Governor Wendell R. Anderson, has been responsible for the administration of programs established under the Federal Comprehensive Employment and Training Act, the Federal Economic Opportunity Act, the Older American Community Service Employment Act, and the Federal Community Services Act, and with the administration of the Work Equity Program, and

WHEREAS, the Department of Economic Security, as established by Laws of 1977, ch. 430, has been charged with broad responsibility in the operation of job training and placement programs and the development of manpower policy for the State of Minnesota, and

WHEREAS, Laws of 1977, ch. 430, provides that the Department of Economic Security shall assume the functions, powers and duties which are transferred to it by Laws of 1977, ch. 430 when the Commissioner of Economic Security notifies the Commissioner of Administration that the Department of Economic Security is ready to commence operation:

NOW, THEREFORE, I order:

1. That upon notification of the Commissioner of Administration by the Commissioner of Economic Security that the Department of Economic Security is ready to commence operation:

a. The Governor's Manpower Office as established by paragraph four of Executive Order 79, dated March 20, 1974, executed by Governor Wendell R. Anderson, providing for the implementation of the Comprehensive Employment and Training Act of 1973, shall be abolished and all powers, duties, and

functions heretofore vested in or imposed upon the Governor's Manpower Office shall be transferred to, vested in, and imposed upon the Commissioner of Economic Security.

b. The Department of Economic Security shall be the state agency to act for the Governor in applying for, receiving and accepting funds granted to the State of Minnesota for the operation of the programs under the Federal Comprehensive Employment and Training Act, the Federal Economic Opportunity Act, the Federal Community Services Act, the Federal Older American Community Services Employment Act, the Federal Social Security Act, the Federal Energy Conservation and Production Act, and the Federal Housing and Community Development Act of 1974, which have heretofore been administered by the Governor's Manpower Office, and to disburse such funds to carry out the purposes for which the funds are received, and to be the sole state agency for the purposes of administering all programs formerly administered by the Governor's Manpower Office under Federal and State law.

c. The Department of Economic Security shall provide staff support to the Governor's Council on Employment and Training as established by Executive Order No. 159.

2. This Order shall supersede paragraph four of Executive Order No. 79 dated March 20, 1974, executed by Governor Wendell R. Anderson, providing for the implementation of the Comprehensive Employment and Training Act of 1973, and Executive Order No. 125 dated November 17, 1975, executed by Governor Wendell R. Anderson, assigning the programs previously administered by the Governor's Office of Economic Opportunity to the Governor's Manpower Office.

This Order is effective 15 days after publication in the State Register, and shall remain in effect until rescinded by the proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 31st day of October, 1977.

RULES

Department of Corrections

Adopted Temporary Rules Governing Community Education Programs and Emergency Shelter Programs for Battered Women

The Minnesota Department of Corrections adopted the temporary rules relating to Governing Community Education Programs and Emergency Shelter Programs for Battered Women on October 21, 1977. These rules have been approved by the attorney general and are identical to those printed in the *State Register* on September 12, 1977, Vol. 2, Number 10, pp. 407-409 with the following amendments:

CORR 201 Definitions.

[[A. Commissioner. Commissioner of the Minnesota Department of Corrections or his designee.]]

[[G. Support Services. Counseling, legal information, medical referral, advocacy, transportation, child care, information and referral services and such other services as may be needed by battered women and their families.]]

H. [[Date.]] **Data.** Summary [[date]] **data** according to the Minnesota Statutes, Section 15.162, Subdivision 9.

CORR 202 Responsibilities.

A. 5. [[Disperse]] **Disburse** all available funds for the establishment of emergency shelter programs and support services and for the development and implementation of public education programs designed to promote public and professional awareness of the problems of battered women.

CORR 203 Submission of data-mandatory.

[[A. Every physician licensed to practice in the State, every hospital licensed pursuant to Minn. Stat. §§ 144.50 to 144.58, every public health nurse, and every local law enforcement agency shall report to the Commissioner of Corrections, on forms provided by him, every case, report or complaint of assault on women by their spouse, male relative or other males with whom they are residing or have resided in the past.]]

B. [[Reports shall be submitted monthly.]] Reports shall be submitted monthly in accordance with Minn. Stat. § 241.66 (1977 Supp.).

Department of Labor and Industry Occupational Safety and Health Division

Revisions to Occupational Safety and Health Codes

Please take notice, that E. I. Malone, Commissioner, Minnesota Department of Labor and Industry, has determined that the following revisions to the Occupational Safety and Health Codes shall be promulgated pursuant to Minn. Stat. § 182.655 (1976) establishing, modifying or revoking Occupational Safety and Health Standards as follows:

Minnesota Occupational Safety and Health Codes and Rules, MOSHC 1, is hereby changed and modified by incorporating and adopting by reference; changes, additions, deletions and corrections made prior to October 1, 1977 to the following parts of Title 29 of the Code of Federal Regulations:

Part 1910, Occupational Safety and Health Standards as published in Part II, Volume 39, No. 125 of the Federal Register on June 27, 1974; and

Part 1926, Construction Safety and Health Regulations as published in Part II, Volume 39, No. 122 of the Federal Register on June 24, 1974; and

Parts 1915, 1916, 1917 and 1918, Occupational Safety and Health Standards for Maritime Employment as published in Part II, Volume 39, No. 119 of the Federal Register on June 19, 1974; and

Part 1928, Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the Federal Register on April 25, 1975.

1. A new standard, 29 CFR Subpart T, Commercial Diving Operations, as published in the Federal Register, Volume 42, No. 141, July 22, 1977, pages 37668 through 37674 which establishes the following safety and health standards:

(a) 1910.401 — Scope and application
1910.402 — Definitions
1910.410 — Qualifications of dive team

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]].

1910.411 — Medical requirements
1910.420 — Safe practices manual
1910.421 — Pre-dive procedures
1910.422 — Procedures during dive
1910.423 — Post-dive procedures
1910.424 — SCUBA diving
1910.425 — Surface-supplied air diving
1910.426 — Mixed-gas diving
1910.427 — Liveboating
1910.430 — Equipment
1910.440 — Recordkeeping requirements
1910.441 — Effective date

(b) Parts 1915, 1916, 1917, 1918 and 1926 of 29 CFR are amended by adding references to the new standard for Commercial Diving Operations to clarify the applicability of this standard to diving operations conducted in the maritime and construction industries. An amendment is also made to 29 CFR 1928.21(b), to exclude Subpart T of Part 1910 from agricultural applicability. These amendments are as follows:

Part 1915 — Safety and Health Regulations for Ship Repairing is amended by adding § 1915.59 — Commercial diving operations shall be subject to Subpart T of Part 1910 §§ 1910.401-1910.441, of this Chapter.

Part 1916 — Safety and Health Regulations for Shipbuilding is amended by adding § 1916.59 — Commercial diving operations shall be subject to Subpart T of Part 1910 §§ 1910.401-1910.441, of this Chapter.

Part 1917 — Safety and Health Regulations for Shipbreaking is amended by adding § 1917.59 — Commercial diving operations shall be subject to Subpart T of Part 1910 §§ 1910.401-1910.441, of this Chapter.

Part 1918 — Safety and Health Regulations for Longshoring is amended by adding § 1918.99 — Commercial diving operations shall be subject to Subpart T of Part 1910 §§ 1910.401-1910.441, of this Chapter.

Part 1926 — Safety and Health Regulations for Construction § 1926.605, Marine operations and equipment, paragraph (e) Diving operations is amended to read: (e) Commercial diving operations. Commercial diving operations shall be subject to Subpart T of Part 1910 §§ 1910.401-1910.441, of this Chapter.

Part 1928 — Safety and Health Standards for Agriculture, § 1928.21(b) of 29 CFR Part 1928 is amended by substituting the letter T for S in the fourth line of the paragraph.

2. An amendment made in 29 CFR Part 1928 Occupational Safety and Health Standards for Agriculture as published in Federal Register, Volume 42, No. 146 on July 29, 1977, pages 38568 and 38569 corrects an error in 29 CFR § 1928.21(b) and excludes the OSHA air contaminant standards from agricultural operations.

3. Corrections made in 29 CFR Part 1910 as published in the Federal Register, Volume 42, No. 12 on January 18, 1977, pages 3304 through 3306 corrects a number of typographical errors and inadvertent omissions made in 29 CFR § 1910.1029, Coke Oven Emissions, as published in the Federal Register, Volume 41, No. 206 on October 22, 1976.

It is so ordered the 19th day of October, 1977.

Soil and Water Conservation Board

Cost Share Program Emergency Rules

Please take notice that the State Soil and Water Conservation Board, at its meeting on October 11, 1977, approved for promulgation the emergency rules printed following this notice. The rules are authorized by Laws of 1977, ch. 304, § 9, subd. 3.

For twenty (20) days after the date of publication of this notice in the State Register, the Board will accept data and views submitted in writing to

State Soil and Water Conservation Board

3rd Floor Centennial Building

St. Paul, MN 55155
Attn: Greg Larson

After the twenty (20) days the rule, together with any changes the Board proposes as a result of the comments received, will be submitted to the Attorney General. The rule will become effective five (5) working days after submission unless within such time the Attorney General disapproves the rule as to either form or legality.

Soil and Water Conservation Board
Vernon F. Reihert
Executive Director

SWC 1 Authority, scope, definitions.

A. Authority and scope. Minn. Stat. ch. 40 (1976), as amended by Laws of 1977, ch. 304, authorizes the State

Soil and Water Conservation Board, in cooperation with the Soil and Water Conservation Districts, to administer a program of cost-sharing with land occupiers on the installation of soil and water conservation practices. These rules provide procedures and criteria to be followed by the State Board in allocating cost-sharing funds to districts, and standards and guidelines which the District Boards shall include in all cost-sharing contracts prior to the passage of permanent rules and regulations.

B. Definitions.

1. "Agricultural Stabilization and Conservation Service" means the U.S. Agricultural Stabilization and Conservation Service, an agency of the U.S. Department of Agriculture.

2. "Annual plan" means a plan prepared by the district according to the "Guidelines for Annual Planning" published by the State Board.

3. "Approved practice" means a soil and water conservation practice which qualifies for state cost-sharing and has been approved by the State Board.

4. "Chapter 40" means the Minnesota Soil and Water Conservation Districts Law as established in Minn. Stat. ch. 40.

5. "District" means a Soil and Water Conservation District organized under the provisions of Minn. Stat. ch. 40.

6. "District Board" means the five supervisors of a District authorized to carry out the functions of the District under Minn. Stat. ch. 40.

7. "District Conservationist" means the District Conservationist of the USDA-Soil Conservation Service.

8. "District Cooperator" means a land occupier who has requested the assistance of a district in controlling conservation problems. Such request must be formalized by the signing of a District Cooperators Agreement provided by the State Board and approved by the District Board.

9. "District Technician" means a district employee or county employee assigned to the district who possesses expertise in the design and application of soil and water conservation practices. They shall perform under the technical supervision of the District Conservationist.

10. "Enduring practice" means a soil and water conservation practice which is designed for an effective life in excess of 10 years.

11. "Field Office Technical Guide" means the document providing all standards and specifications necessary for technical requirements of soil and water conservation practices as provided by the Soil Conservation Service-USDA and adopted by the District Board.

12. "Group Spokesman" means an individual selected by the several individuals involved in a group project, who may speak for the entire group in negotiations with a district for cost-share assistance.

13. "Land Occupier" means any person, firm, or corporation who shall hold title to, or shall be in possession of, any lands lying within a district organized under the provisions of Chapter 40, whether as owner, lessee, renter, tenant, or otherwise.

14. "Non-production practice" means a soil and water conservation practice which is installed or applied to control soil erosion, reduce sediment yield, or protect water quality. Practices installed or applied solely to bring land into production or to increase the short term productivity are excluded.

15. "Soil and Water Conservation Practice" means those structural and vegetative practices applied to the land for the purpose of controlling soil erosion, sediment and other water pollutants.

16. "Soil Conservation Service" means the U.S. Soil Conservation Service, an agency of the U.S. Department of Agriculture.

17. "State Board" means the State Soil and Water Conservation Board as defined in Minn. Stat. ch. 40.

18. "Stream" means a well defined channel or bed that has water in it the majority of time under normal conditions. This includes natural perennial and intermittent rivers and creeks as well as man-made channels that meet these general criteria.

SWC 2 State Board functions.

A. Establishing approved practices and maximum rates.

1. The State Board, in consultation with the districts, shall maintain a list of practices which are eligible for cost-share funds and a schedule of maximum rates. The list shall

be contained in SWC 4 of these rules and the schedule in SWC 5. Changes to the list and schedule shall be made in the manner provided by the rules-making provisions of Minn. Stat. ch. 15.

2. Practices approved by the State Board must meet the following criteria:

a. Their primary purpose must be the control of soil erosion and sediment, and protection of water quality.

b. They must be enduring in nature. All practices cost-shared under this program shall be designed for a minimum effective life of 10 years.

c. They must be non-production practices.

3. The maximum cost-share rates established by the State Board represent the maximum per cent of the total cost of a practice that may be funded by state cost-share funds. Where state and federal monies are cost-shared on the same project, their combined amount shall not exceed the maximum cost-share rate.

B. Allocation of funds.

1. Before the State Board can allocate cost-share funds to a district, it must first receive the district's application for cost-share funds. The application shall be made on forms provided by the State Board and must be accompanied by the district's Annual Plan. The State Board will accept applications until April 1, 1978, and shall give preference to early applications.

2. The State Board shall review all district applications for cost-share funds with respect to the following criteria:

a. Priorities for the control of soil erosion and sediment.

b. Historical success of the district in applying soil and water conservation practices.

c. Availability of cost-share funds from other sources.

d. Readiness of the district to effectively utilize the funds.

3. Following review, the State Board shall provide grants to the districts for the purpose of cost-sharing with land occupiers for the application of approved practices. In addition to cost-share grants, the State Board may make grants to districts for administrative costs and to provide technical services necessary to carry out the design and application of the approved practices which are cost-shared by the district.

C. Monitoring.

For the purpose of monitoring the progress of the program and utilization of funds, the State Board shall receive from each district quarterly reports on October 15, January 15, and April 15, and an annual report of the year's accomplishments on July 15. The State Board may require such additional special reports as may be necessary to monitor the cost-sharing program. The reports shall be on forms provided by the State Board.

SWC 3 District functions.

A. Application for funds by districts. Each district shall apply for funds as indicated in SWC 2 B.

B. Administration of funds.

1. Following receipt of grant monies from the State Board, the respective districts are responsible for administration of the funds in accordance with the provisions of Minn. Stat. ch. 40 and all other applicable laws. The District Board shall have the authority to make all decisions concerning utilization of these monies within the rules established herein.

2. Prior to considering any applications from land occupiers for cost-share assistance, the District Board shall establish the cost-share rates for practices to be installed under the program, which shall not exceed the maximum rates established by the State Board. They shall consider:

a. Advice of technical experts familiar with the district;

b. Cost-share rates currently in effect under the Agricultural Conservation Program administered by the U.S. Agricultural Stabilization and Conservation Service and other assistance programs;

c. District priorities as established in the districts' plans; and

d. Cost-share funds available.

C. Application for funds by land occupiers.

1. Land occupiers seeking assistance under this program shall apply to the districts on forms provided by the State Board and available from the district office. Each application shall be filled out in its entirety. The application must be signed by the land occupier and if the land occupier is not the owner must also bear the owner's signature. Applications must be submitted not later than June 1. The District Technician shall make a determination of need and cost estimate prior to review by the District Board. Specifics on the desired practice which may be required by the Dis-

trict Board in their consideration of the application shall be included.

2. A situation may arise where the cooperation of several land occupiers is required to solve a conservation problem. The District may share the cost of such a Group Project provided that all of the land occupiers are eligible as individuals and the practice or practices satisfy the criteria of the program. The land occupiers must reach agreement on the division of payments and shall select a member of the group to act as their spokesman in negotiations with the District. The group spokesman shall be identified on the application and shall file the form with the District. Checks for the district share of the practice shall be issued to the group members based on the division of payment plan prepared by the group.

3. If the project being applied for involves land in more than one district, application shall be made to the district containing the most land affected by the practice.

D. Criteria for district board review.

1. The applicant must be a district co-operator.

2. The desired practice must be on the list of approved practices.

3. The primary purpose of the desired practice must be the control of soil erosion, reduction of sediment delivery, or protection of water quality. In cases where the "primary purpose" is questionable, the District Board shall make a determination of the acceptability of the application. Additionally, the District Board shall make determination of the need for supplemental practices to protect any practice installed under this program, e.g., fencing of water impoundment structures. If the District Board determines that supplemental practices are necessary, they may authorize cost-sharing for their installation.

4. The desired practice must be consistent with district plans and priorities.

5. The practice must be maintained by the land occupier, who is responsible for operation and maintenance of practices applied under this program.

6. Priority consideration will be given to land occupiers or groups of land occupiers who demonstrate the ability to meet matching requirements.

7. Consideration shall be given to whether federal or other funds are available to supplement the costs of the project.

8. The practice must comply with the specifications of the Field Office Technical Guide of the USDA-Soil Conservation Service as adopted by the Soil and Water Conservation District. Such specifications shall be subject to periodic review and revision by the Soil Conservation Service to reflect advancements in the "state of the art."

9. Such other criteria as deemed appropriate by the district board.

E. District approval. The District Board shall either approve or deny the application. If approved, the District Board shall instruct the Chairman or acting Chairman to sign the application. Once signed, the application becomes the contract between the District and land occupier and serves as the authorization for work to proceed on the practice. If denied, the District Board shall notify the land occupier in writing within 30 days, of the reason for denial of the application. Changes in any provisions of the contract are subject to review and approval of the District Board.

F. District records. The District shall maintain a current ledger of all cost-share contracts on forms provided by the State Board. The ledger shall specify the land occupiers which the District has contracted with, the practices involved, status of construction and a total of funds encumbered. Districts having funds which are unencumbered by December 1 of each program year may be required to return those funds to the State Board for reallocation to districts requiring additional funds.

G. Payments.

1. Construction of practices shall be monitored by the District to insure compliance with the specifications in the Field Office Technical Guide. Upon completion, the district technician shall certify whether or not the practice has been satisfactorily performed, which includes a certification by the District Conservationist that the practice meets the requirements of the Field Office Technical Guide. No such certification shall be made until all specifications have been satisfied. Upon certification of completion, the land occupier shall request payment.

2. In-kind services provided by the land occupier such as, but not limited to, earth work, seedbed preparation and seeding, can be credited toward the land occupier's share of the total cost of the practice. The District Board shall determine whether charges for such services are prudent and

reasonable. In cases where the actual cost of the practice exceeds the estimated cost, the District may only share the approved percentage of the estimated cost. Where the actual cost is less than the estimated cost the district shall only share the approved percentage of the actual cost of the practice. The District Board shall review the receipts provided by the land occupier to determine the actual cost of the practice. When the District determines that all claims are reasonable and justified, they shall authorize issuance of a check for the District share of the practice. Where the District Board determines that certain claims are not justified they shall notify the land occupier in writing of the unjustified claims within 30 days. The District Board shall then authorize the issuance of a check for the District share of the justified claims.

H. Maintenance. The land occupier is responsible for operation and maintenance of practices applied under this program. Should the land occupier fail to maintain such practices or willfully remove them during their effective life, the land occupier shall be liable for the amount of financial assistance received for their installation. The District Board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice. The land occupier shall not be held liable for cost-share assistance received provided that soil and water conservation practices are applied which provide equivalent protection of the soil and water resources. In no case shall a district provide cost-share assistance to a land occupier for the application of practices which will replace practices which were applied with cost-share assistance and were removed by the land occupier during their effective life or failed due to improper maintenance.

I. Appeals. In cases where a land occupier feels he has been treated unfairly, he may demand that the District Board give him a hearing to review its decision. Should the land occupier and District Board reach an impasse, the land occupier may petition in writing for a hearing before the State Soil and Water Conservation Board. If it grants the hearing, the State Board or a referee appointed by it shall hear all testimony offered, and shall accept written testimony for 10 days after the hearing. The referee, if used, shall report his findings and recommendation to the State Board, which shall within 60 days of the hearing date make its decision on the appeal, upholding, reversing, or amending the decision of the District Board.

J. Reports to State Board: Each district shall submit to the State Board the reports identified in SWC 2.

SWC 4 Approved practices.

A. Erosion control structures.

1. Definition: A structure to (1) stabilize the grade or control head-cutting in natural or artificial channels; (2) provide temporary storage of floodwater; (3) control release rate providing downstream channel stability; or (4) impound water.

2. Purpose: To control soil erosion and sediment. An erosion control structure may provide multiple benefits including but not limited to water supply for livestock, recreation, flood control, channel stability, wildlife habitat and fire prevention.

3. Applicability: To any lands where such structures are necessary for the control of soil erosion and sediment.

4. Policies:

a. Cost-sharing is authorized only on erosion control structures that provide for reduction of soil erosion or sediment pollution.

b. Cost-sharing may be authorized for the installation of livestock watering facilities in conjunction with erosion control structures only if such facilities are necessary for the proper management and protection of the structure as determined by the district board.

c. Cost-sharing may be authorized for permanent fencing of an erosion control structure as determined by the district board.

d. Cost-sharing may be authorized for plantings and seeding required to stabilize the structure. Consideration shall be given to those species that provide wildlife habitat and visual enhancement.

e. Erosion control structures which provide multiple benefits will be encouraged provided the primary benefit is soil erosion and sediment control.

B. Stripcropping.

1. Definition: Stripcropping shall mean the development and application of a cropping system for a farming unit which provides for planting row crops with the contour where practicable and incorporates alternate strips of row crops, close sown, and sod crops.

2. Purpose: To establish a system of farming with contour or field stripcropping to reduce wind and water erosion and sediment pollution. Stripcropping may provide additional benefits to wildlife.

3. Applicability: To any lands where stripcropping is necessary for the control of soil erosion and sediment.

4. Policies: Cost-sharing may be authorized for the cost of establishing the system.

C. Terraces.

1. Definition: An earth embankment, or a combination ridge and channel constructed across the slope.

2. Purpose: Terraces are constructed to:

a. reduce slope length;

b. reduce erosion;

c. reduce sediment content in runoff water;

d. intercept and conduct surface runoff at a non-erosive velocity to stable outlet;

e. retain runoff for moisture conservation;

f. prevent gully development;

g. re-form the land surface; and

h. reduce flooding.

Terraces may provide additional benefits by creating wildlife habitat.

3. Applicability: This practice applies where:

a. water erosion is a problem;

b. there is a need to conserve water;

c. the soils and topography are such that terraces can be constructed and farmed with a reasonable effort.

d. a suitable outlet can be provided.

e. runoffs and sediment damages land or improvements downstream or impairs water quality.

4. Policies:

a. Cost-sharing is authorized for construction necessary to properly establish the terraces including earthwork, material and seedings if necessary.

b. Cost-sharing is authorized for tile systems necessary to the establishment and operation of the terraces, including the outlet which shall be limited to 300 feet below the last terrace in a system.

D. Diversions.

1. Definition: A channel with a supporting ridge on the lower side constructed across the slope.

2. Purpose: The purpose of this practice is to divert water away from erosive areas to sites where it can be used or disposed of safely. Diversions may provide additional benefit to wildlife.

3. Applicability: This practice applies to sites where:

a. runoff from higher lying areas is damaging cropland, pastureland, farmsteads, or conservation practices such as terraces or stripcropping;

b. surface and shallow subsurface flow is damaging sloping upland;

c. required as a part of a pollution abatement system, or to control erosion and runoff on urban or developing areas and construction sites.

d. cost-sharing is authorized for tile systems necessary for the establishment and operation of erosion control practices such as waterways, terraces or diversions.

e. cost-sharing is authorized for seedings necessary to properly establish the practices or permanently stabilize critical areas.

E. Stormwater control systems.

1. Definition: A system of waterways, divesions, sediment control structures, surface drains, stabilization structures, culverts, channels and floodways to convey storm runoff to a constructed or natural outlet in a non-erosive manner. This practice does not apply to areas for which the primary purpose is drainage to improve crop production.

2. Purpose: The purpose of this system of elements is to provide a means of removing runoff to protect the area from flood damage and erosion, to prevent pollution of watersheds, lakes and streams, to protect natural scenic areas, and to provide for the conservation of the natural resources of the area. Additional benefit may be provided through creation of wildlife habitat.

3. Applicability: The provisions of this system of elements to convey runoff applies to all lands by utilizing vegetative and mechanical protection for control of erosion and pollution.

4. Policies:

a. Cost-sharing is authorized for practices required in a complete stormwater management system. Such practices shall include, but are not limited to: channel lining, chutes, drop spillways, surface drains, vegetative filter strips, protective outlets, sod waterways, permanent sod cover, fencing and permanent vegetation including trees, shrubs and grasses that provide wildlife habitat and visual enhancement.

b. Cost-sharing is authorized for tile systems necessary for the establishment and operation of erosion control practices such as waterways, terraces or diversions.

c. Cost-sharing is authorized for seedings necessary to properly establish the practices or permanently stabilize critical areas.

F. Field windbreaks.

1. Definition: A strip or belt of trees, shrubs or grass barriers established within or adjacent to a field.

2. Purpose: To reduce soil blowing; to conserve moisture; to control snow deposition; to protect crops, livestock and wildlife and to beautify and otherwise enhance the landscape.

3. Applicability: In or around open fields which need protection against wind damage to soils.

Additional benefit may be realized from the creation of wildlife habitat.

4. Policies: Cost-sharing is authorized for land preparation, planting materials, planting, chemicals for weed control and other applicable costs necessary to establish the system. The land occupier shall be responsible for controlling competitive vegetation for two years following planting and shall bear the cost of control.

G. Animal waste control systems.

1. Definition: A planned agricultural waste management system to contain and manage liquid and solid wastes including runoff from concentrated animal waste areas with ultimate disposal in a manner which does not degrade air, soil or water resources. This practice includes systems for safe disposal of livestock wastes through use of soil and plants.

2. Purpose: Agricultural waste management systems are used to manage wastes in rural areas in a manner which prevents or minimizes degradation of air, soil and water resources and protects public health and safety. Such systems are planned to preclude discharge of pollutants to surface or ground water and, to the fullest practicable extent, recycle wastes through soil and plants.

3. Applicability: To any animal impoundment any part of which is located within 300 feet of a stream or 1,000 feet of a lake.

4. Policies:

a. Cost-sharing is authorized for all structures and vegetative practices necessary to store animal wastes or control stormwater runoff from animal confinement areas including storage facilities, diversions, waste storage pond, and waterways.

b. Cost-sharing is authorized for tile systems necessary for the establishment and operation of a system.

c. Cost-sharing is authorized for seedings necessary to properly establish a system.

d. Cost-sharing is authorized for fencing necessary to protect a system.

e. Cost-sharing is prohibited on any costs normally incurred in the management of an animal confinement area. This shall include buildings, yards, pumps, tank wagons, etc.

f. Concrete used for holding tanks, collection basins and other animal waste storage facilities, is eligible for cost-sharing provided the District Board determines that they are necessary to protect water quality and also provided that the entire system needed to control pollution is installed.

g. In cases where a holding tank is necessary to control pollution and will become an integral part of a building, the normal cost of the building foundation and the cost of the building is not eligible for cost-sharing. The cost attributable to the foundation shall be represented by the top four feet of the storage tank walls.

h. Equipment utilized in the handling or transfer of animal waste is ineligiblec cost-sharing.

H. Critical area stabilization.

1. Definition: Planting vegetation such as trees, shrubs, vines, grasses or legumes on sites subject to severe erosion. (Does not include tree planting for wood products.)

2. Purpose: To provide permanent vegetative cover to stabilize the soil; to protect from wind and water erosion; reduce damage from sediment and runoff to downstream areas; improve wildlife habitat; enhance natural beauty.

3. Applicability: On sediment producing, highly erodible or severely eroded areas (including urban areas), such as dams, dikes, mine spoil, levees, channels, waterways, terrace backslopes, surface mined areas, roadsides and denuded or gullied areas where vegetation is difficult to establish.

4. Policies: Cost-sharing is authorized for seed and seeding and other associated costs necessary to stabilize the area.

SWC 5 Cost-share rates.

A. Maximum rates. The maximum per cent of the total cost of a practice that may be funded by state cost-share funds is 75 per cent. Where state and federal monies are cost-shared on the same project, their combined amount shall not exceed 75 per cent of the total cost of the project.

B. District rates. Each district shall establish its cost-share rates as provided in SWC 3 B. 2.

Public Service Commission Motor Bus and Truck Division

Highway Safety Standards

The rules published at Vol. 1, *State Register*, No. 26, page 970, January 5, 1977 (1 S.R. 970), are adopted and are identical in every respect to their proposed form, with the following ammendations:

PSC 2(s) Changes to PSC 2(s) were not adopted.

PSC 5 Safety. General application — safety regulations. For uniformity in compliance in the interest of public safety, the safety rules and regulations of the Public Service Commission shall apply to all persons engaged in the business of transportation of persons or property for-hire on the highways of Minnesota.

All rules and safety regulations prescribed in Code of Federal Regulations, Title 49, Parts 390-397, as revised October 1, 1975, and adopted by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, not in conflict with the laws of the state of Minnesota, and/or rules of the Commission, are hereby adopted as the safety rules and regulations of this Commission.

All rules and safety regulations prescribed in Code of Federal Regulations, Title 49, Parts 100 to 199, revised as of October 1, 1975, and adopted by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, designated as the hazardous materials regulations, not in conflict with the laws of the State of Minnesota, and/or rules of the Commission, are hereby adopted as the safety rules and regulations of this Commission.

Note: A copy of the safety regulations set forth in the Code of Federal Regulations, Title 49, Parts 390-397, as revised October 1, 1975, and referred to in PSC 5, is maintained in the offices of the Public Service Commission [[**790 American Center Building, 160 East Kellogg Boulevard,** St. Paul, Minnesota **55101.**]] and the Department of Transportation in St. Paul, and is open and available to the general public for inspection.

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 Insurance Division

Notice of Intention to Solicit Outside Opinion Regarding the Proposed Adoption of Rules Governing the Readability of Insurance Policies

Dated: Nov. 14, 1977

Notice is hereby given that the Department of Commerce, Insurance Division, shall entertain considerations for proposed rules implementing the Readability of Insurance Policies Act as authorized by Laws of 1977, ch. 345, § 12. This provision gives the Commissioner the authority to promulgate any rules necessary to effectuate the purpose of the act. The act is intended to make all covered insurance policies and contracts readable and understandable to the average person. These rules will apply to all policies of private passenger vehicle insurance, to all policies of homeowner's insurance, to all policies of life insurance, to all certificates of a fraternal beneficiary association, to all policies of accident and health insurance and to all subscriber contracts of nonprofit health maintenance contracts. All interested and affected individuals or groups are requested to submit their considerations relating to the rules governing the readability of insurance policies that should be adopted by the Commissioner of Insurance.

Proposals, information and comment shall be submitted in writing and may be addressed to:

Mary E. Mahoney
Assistant to the Commissioner
Insurance Division
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101

All statements of information and comment must be received within thirty (30) days of the above date.

Dated: November 14, 1977

Berton W. Heaton
Commissioner of Insurance and
Chairman Commerce Commission

Energy Agency

Current Fuel Costs By Region

In fulfillment of Laws of 1977, ch. 381, § 18, the Director of the Energy Agency hereby certifies the following current average energy costs.

Current Average Residential Energy Prices, by Region, Winter Months

September 1977

Region	Natural Gas* $/1000 cubic feet	Electricity* ¢/kwh		Fuel Oil** ¢/gallon	Propane*** ¢/gallon
		Overall	Space Heating Block		
1	$2.84	3.55¢	2.20¢	45¢ (44-46)	40¢ (34-45)
2	$2.85	3.82¢	2.45¢	45¢ (44-46)	41¢ (41-42)
3	$2.51	4.56¢	2.63¢	45¢ (44-46)	42¢ (39-49)
4	$2.60	3.46¢	2.16¢	45¢ (44-46)	44¢ (41-45)
5	$2.20	3.46¢	2.32¢	45¢ (44-46)	46¢ (46-47)
6E	$2.05	3.87¢	2.50¢	44¢ (43-46)	41¢ (40-42)
6W	$2.06	4.23¢	2.47¢	44¢ (43-46)	40¢ (38-46)
7E	$2.14	2.99¢	1.88¢	44¢ (43-46)	43¢ (42-44)
7W	$2.10	4.28¢	2.34¢	44¢ (43-46)	40¢ (35-44)
8	$2.27	2.68¢	1.93¢	44¢ (43-46)	38¢ (37-42)
9	$1.87	4.37¢	2.54¢	44¢ (43-46)	43¢ (39-44)
10	$1.74	4.08¢	2.52¢	44¢ (43-46)	40¢ (36-43)
11	$1.94	4.35¢	2.32¢	44¢ (44-45)	43¢ (36-46)

Energy Agency

Current Residential Energy Price Projections for Minnesota, 1978-1982

Projected Annual Percent Change in Real Prices

	Natural Gas	Electricity	Fuel Oil	Propane
1978	6.1%	9.4%	2.3%	5.8%
1979	5.3%	8.6%	2.3%	5.5%
1980	5.5%	7.9%	2.2%	5.2%
1981	4.7%	.7%	1.5%	1.9%
1982	4.5%	.7%	1.5%	1.8%

Annual percent increases were computed from FEA price projections for the Midwest (FEA Region V) which appeared in the *Federal Register*, Volume 42, Number 125,

*Natural gas and electric prices were determined by applying the winter monthly consumption estimates to each selected utility's rate schedule. This calculated monthly cost was divided by monthly consumption to determine average price per utility during the winter. Each selected utility's average price was then weighted by its number of residential customers to determine regional average price. (Note: Due to declining block rate structures and high volume consumption for electric space heating, the overall average electricity prices are higher than the electric space heating block prices.)

**A telephone survey indicated that customers in the northern half of the state paid a slightly higher rate for fuel oil than those in southern Minnesota. Therefore, a northern and southern price was used. The price range in the metro area was less than that in outstate areas.

***Propane prices were determined by telephoning each propane distributor in selected cities. The price per gallon charged by each distributor was weighted by sales volume of residential customers to obtain an average regional price. Weighting by number of customers, as was done for natural gas and electricity, was not possible due to insufficient data.

Wednesday, June 29, 1977, page 33171. Electricity price increases were indexed using the FEA Region V coal price projections.

Ethical Practices Board

Notice of Request for Advisory Opinion Regarding Lobbying Disbursement

Sachs, Latz & Kirshbaum
Attorneys at Law
548 Roanoke Building
Minneapolis, Minnesota 55402
October 27, 1977

Mr. B. Allen Clutter, III
Executive Director
State Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155

Re: Advisory Opinion

Dear Mr. Clutter:

This letter will confirm our telephone conversation of October 25, when I requested an extension of the October 15, 1977, deadline for filing my Lobbyists Disbursement Report. You will recall that I requested that extension in order to propound to you the factual situation and request an advisory opinion. At that time you indicated that I would be permitted the liberty of such an extension pending notification of the Board.

You may recall that on Monday, September 27, 1977, the Minnesota Senate Sub-Committee on Employment (Chairman Senator Jack Kleinbaum) began a tour of the States of Washington and Oregon to study ramifications of mandatory deposit legislation as it affects employment. The hearings included meetings in Seattle, Washington; Tumwater, Washington; Portland, Oregon and Salem, Oregon. The Committee heard testimony from members of labor and industry relating to the potential impact of mandatory deposit legislation on employment in the two states as well as the efficacy of the litter and waste control program each state employed. I flew out to the meetings to also hear the testimony of several witnesses. I did not testify before the Committee.

I am advised of the Ethical Practices Board's rules and exceptions relating to travel and lodging costs. For example, the rules seem to say that travel and lodging costs of the lobbyists are not reportable as a lobbying disbursement if incurred to enable the lobbyist to attend or appear before a committee, board, commission or agency.

My question, therefore, is severalfold. I would like an opinion as to whether or not the following expenses are required to be reported:

1. The transportation costs I incurred traveling to Seattle, Washington from Minneapolis.

2. The travel costs incurred traveling from Seattle to Portland (by car) and the vicinity to attend the various hearings.

3. The costs I incurred for hotels and motels.

4. The costs I incurred for meals on those several days.

I await your response to these several questions.

Ethical Practices Board

Notice of Request for Advisory Opinion Regarding Non-Campaign Expenditures

Stephen G. Wenzel
Minnesota House of Representatives
266 State Office Building
St. Paul, Minnesota 55155
October 25, 1977

Mr. B. Allen Clutter
Executive Director
Ethical Practices Board
State Office Building
St. Paul, Minnesota

Dear Mr. Clutter:

I should like to have the Minnesota Ethical Practices Board answer the question as to whether or not the expenses incurred for professional services constitute a campaign expenditure as opposed to a non-campaign expenditure. Specifically, I am referring to professional services rendered for accounting and bookkeeping purposes in filing the reports that are due by the Minnesota Ethical Practices Board from legislative campaign committees.

I understand your Board stated last year that professional services such as legal fees were categorized as non-campaign expenses.

Please answer this question for me. Thank you.

Department of Health

Notice of Application and Notice of Hearing for Ambulance Service in Nett Lake

On October 6, 1977, the Bois Forte Reservation Business Committee, filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a (an) emergency land ambulance service with a base of operation in Nett Lake, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that Subdivision 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

Department of Human Rights

Settlement Agreements, Pre-determination Agreements, Hearing Examiner's Orders and Hearing Notices from October 3, 1977 through October 27, 1977

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contained the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat., ch. 363.

2. The respondent agrees to abide by the provisions of Minn. Stat., ch. 363.

Department of Human Rights, Complainant, vs. University of Minnesota Hospital, Respondent, E1869.

Charge.

A person (hereinafter "charging party") filed a charge alleging that University of Minnesota Hospital (hereinafter "respondent"), her employer, discriminated against her because of her race by terminating her employment. Following an investigation, the Commissioner of Human Rights found that probable cause existed to credit the charging party's allegation of discrimination.

Settlement.

The charging party and the respondent agreed to voluntarily settle the matter in the following manner:

1. The respondent hospitals and clinics agreed to reemphasize their equal employment policy to all employees who perform in a supervisory or lead capacity.

2. The respondent agreed to review all terminations of protected class employees, whether full or part-time, probationary or certified status.

3. The respondent agreed to pay the charging party the amount of $90.56, which represented the amount of earnings that the charging party would have earned on her normal work schedule between the time of her termination and the time she was subsequently employed.

Department of Human Rights, Complainant, vs. Donaldson's, Respondent, E2591.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Donaldson's (hereinafter "respondent"), discriminated against her on the basis of sex. The charging party alleged that the terms, conditions, compensation and privileges of her employment with the respondent were affected by her pregnancy. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay to the charging party the sum of $4,000.00.

2. The respondent agreed to delete from the charging party's personnel file any and all derogatory references stemming from her charge of, and participation in the inves-

tigation of, any alleged discriminatory employment practices with regard to the operation of Donaldson's Department Store.

3. The respondent agreed to reinstate the charging party.

4. The charging party voluntarily resigned and terminated her employment with the respondent.

Department of Human Rights, Complainant, vs. Wabasso Public School Board, Independent School District #640, Respondent, E3700.

Charge.

An associate (hereinafter "charging party") alleged that the Independent School District #640 violated the Minnesota Human Rights Act by not providing equal amounts of dollars towards the payment of health insurance premiums for single and married female teachers. The charging party alleged that this practice constituted sex discrimination. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to reimburse 5 identified persons who opted for family coverage insurance although not subsidized for such coverage by the respondent in the amount of $150.00 per person.

Department of Human Rights, Complainant, vs. St. Paul Metalcraft, Respondent, E3439.

Charge.

A person (hereinafter "charging party") alleged that St. Paul Metalcraft (hereinafter "respondent"), her employer, had terminated her because of a disability in violation of the Minnesota Human Rights Act. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation of discrimination.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay to the charging party the sum of $300.80, representing two weeks back wages.

2. The respondent agreed to modify its records and files to indicate that the charging party voluntarily quit.

Department of Human Rights, Complainant, vs. Minneapolis Public Schools, Special School District #1, Respondent, E3077.

Charge.

A person (hereinafter "charging party"), alleged that the Minneapolis Public Schools, Special School District #1 (hereinafter "respondent"), her employer, discriminated against her because of her sex by compensating her in an unequal manner. The charging party, a social worker, alleged that she was on a lower step of the pay scale than a similarly situated male social worker. The Commissioner of Human Rights found that probable cause existed to credit the charging party's allegation of discrimination.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party the sum of $964.00.

2. The respondent agreed to alter the charging party's step in the pay scale.

Department of Human Rights, Complainant, vs. Metropolitan Transit Commission, Respondent, E3005.

Charge.

A person (hereinafter "charging party") alleged that the Metropolitan Transit Commission (hereinafter "respondent") refused to hire him because of his race and because of a non-job-related disability. The charging party alleged that this practice was in violation of the Minnesota Human Rights Act. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charge of discrimination.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The charging party accepted work from the respondent of a different nature from that initially sought due to the fact that the charging party was unable to register satisfactory blood pressure readings when tested by physicians.

Department of Human Rights, Complainant, vs. Independent School District #891, Canby, Minnesota, Respondent.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Independent School District #891 of Canby, Minnesota (hereinafter "respondent") discriminated against her because of her sex in violation of the Minnesota Human Rights Act by denying her sick leave benefits during the period of time she was unable to work because of pregnancy. The Commissioner of Human Rights found that probable cause existed to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to allow the charging party use of her accrued sick leave for the period of time she was temporarily disabled due to pregnancy. The amount of $649.66 was paid to the charging party in a lump sum subject to normal payroll deductions.

Department of Human Rights, Complainant, vs. William W. Lehmann Company, Incorporated, Respondent, E2935.

Charge.

A person (hereinafter "charging party") alleged that her employer, William W. Lehmann Company, Incorporated (hereinafter "respondent") discriminated against her on the basis of sex by maintaining a system of employment that unlawfully discriminated against females with respect to hire. The charging party alleged that the respondent engaged in a practice of replacing mushroom picking crews composed in part of females with exclusively male migrant workers. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party $150.00 as a negotiated total settlement of the charge filed.

Department of Human Rights, Complainant, vs. Onan, A Division of Onan Corporation, Respondent, E2431.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Onan Corporation (hereinafter "respondent") discriminated against her on the basis of her sex by laying her off even though she had seniority over five male employees who worked in the same department and were similarly qualified. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to develop and disseminate by way of amendment to its current EEO policy, a policy statement forbidding intimidation and/or harassment of protected class individuals; said policy statement providing for appropriate disciplinary actions in the event such policy is violated.

2. The respondent agreed to publish and emphasize to all supervisory and managerial personnel its Equal Employment Opportunity policy.

3. The respondent agreed to expunge the charging party's personnel record of all matters relating to the current charge of discrimination.

4. The respondent agreed to pay the charging party the sum of $5000.00.

Department of Human Rights, Complainant, vs. M and L Motor Supply Co., Respondent, E3345.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, M and L Motor Supply Co. (hereinafter "respondent") had discriminated against her on the basis of sex by terminating her employment because of pregnancy. The charging party alleged that although she was told that her termination was due to unsatisfactory work, she had received a pay increase three weeks prior to the termination and therefore felt that her pregnancy was the reason for termination. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's termination.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party the sum of $1500.00.

2. The respondent agreed to eliminate from the charging party's employment records any and all documents and entries relating to the facts and circumstances which led to the filing of the charge of discrimination and the related

events occurring thereafter. When and if potential future employers inquire as to charging party's service with respondent, respondent will give only the length and nature of charging party's employment.

Pre-determination Agreements

A pre-determination agreement is an agreement reached prior to the Commissioner's finding of probable or no probable cause. It is signed by the charging party, the respondent, and the Commissioner. A pre-determination agreement may be reached through a departmental procedure called The 30-Day Waiver Process. Prior to a formal investigation by the department, a charging party and a respondent may mutually agree to request that the department waive investigation of the complaint for 30 days while the parties attempt to settle the matter.

Department of Human Rights, Complainant, vs. St. Paul Independent School District #625, E4352.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Independent School District #625 (hereinafter "respondent"), her employer, discriminated against her in the terms and conditions of her employment because of her race. The parties reached an agreement which was approved by the department prior to investigation.

Agreement.

1. The respondent agreed to offer a teaching position to the charging party. The terms and conditions of the position met with the charging party's approval.

Department of Human Rights, Complainant, vs. Data 100 Corporation, Respondent, E4368.

Charge.

A person (hereinafter "charging party") filed a charge of discrimination alleging that her employer, Data 100 Corporation (hereinafter "respondent") discriminated against her in the terms and conditions of her employment because of her sex. She alleged that when she returned following her six-month maternity leave of absence, she asked for about two weeks vacation time which she had accrued for one year of service with the company. She alleged that she was told that company records indicated she had not been given a leave of absence, but had been terminated and therefore would not get a paid vacation until she was with the company for one year. The parties reached an agreement which was approved by the department prior to an investigation.

Agreement.

The charging party and the respondent resolved the matter as follows:

1. The respondent agreed to award the charging party 80 hours of vacation between September 19, 1977, and October 14, 1977.

Hearing Examiner's Orders

A case that is not settled through conciliation is scheduled for hearing before a state hearing examiner following a notice and order for hearing and complaint issued by the Commissioner of Human Rights. Based upon a case file, testimony and exhibits, a hearing examiner makes findings of fact, conclusions of law and an order.

Department of Human Rights, Complainant, vs. Mary Devine and Willows Convalescent Center, Respondent, E1615.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Willows Convalescent Center (hereinafter "respondent") discriminated against her on the basis of sex by terminating her because of pregnancy. The Commissioner of Human Rights found probable cause to credit the charging party's allegation. Efforts to conciliate the matter were unsuccessful. A complaint was issued and the matter was scheduled for hearing.

Conclusions of Law.

The hearing examiner made, in part, the following Conclusions of Law:

1. The charging party is entitled to twenty-three weeks of pay at the salary she would have been receiving to the date of the birth, in the sum of $2,263.20.

2. The individual respondent named in the charge must pay $100.00 in punitive damages and the respondent company must pay $200.00 in punitive damages to the charging party because of the discriminatory intent and result of the termination.

Order.

The hearing examiner made the following Order:

1. That the individual respondent pay $100.00 in punitive damages to the charging party.

2. That the respondent company pay $2,263.20 in compensatory damages plus 6% interest to the charging

party and $200.00 in punitive damages to the charging party.

Department of Human Rights, Complainant, vs. Henning Independent School District #545, Respondent, E2990.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Independent School District #545 (hereinafter "respondent") discriminated against her on the basis of her sex in the terms and conditions of her employment. She alleged that her employer denied her disability insurance benefits for the period of time that her doctor determined she was medically unable to work because of pregnancy, childbirth, and recovery. The Commissioner of Human Rights found probable cause to credit the charging party's allegation. Efforts to conciliate the case were unsuccessful. A complaint was issued and the matter was scheduled for hearing.

Conclusions of Law.

The hearing examiner made, in part, the following Conclusions of Law:

1. Minn. Stat. § 363.03, subd. 1(3)(c); Minn. Stat. § 363.03, subd. 1(5); and Guidelines for Eliminating Sex Discrimination in Employment, Section 6h applied to the case. The hearing examiner concluded that the above statute and Guidelines reflect the policy of the State of Minnesota regarding the application of the Human Rights Law to fringe benefits, including sick leave, and their relationship to temporary disabilities, including childbirth and the period of recovery therefrom.

2. Sufficient evidence existed to support the charging party's claim that the respondent's refusal to permit the charging party to use accumulated sick leave during the period of disability immediately prior to and subsequent to the birth of her child was in violation of Minn. Stat. § 363.03, subd. 1. It is discriminatory to treat the period before and after childbirth differently from another disability for sick leave purposes.

3. The major reason the respondent articulated in denying the charging party's use of accumulated sick leave was that the master contract required maternity leave without pay. Even if the contract had such a provision, it would not be sufficient defense to a valid charge of discrimination. The master contract did not contain such a provision. The contract provides that:

(a) "The Board shall grant a maternity leave without salary to any pregnant teacher who requests such a leave. . . ."

The contract does not require a teacher to request that particular type of leave.

(b) "The teacher shall not be required to use her sick leave for maternity leave."

The teacher may choose to do so.

The discrimination is unlawful whether it stems from the respondent's interpretation of the contract, or from a contract clearly requiring that maternity leave be without pay.

Order.

The hearing examiner made the following Order:

1. The respondent pay to the charging party and to three other employees included in a class affected by the practice, the sum they would have received had the respondent not engaged in unfair discriminatory practices plus interest at a rate of six percent per annum.

2. The respondent cease and desist from refusing to permit the charging party, class members, and future female teachers to utilize and benefit from accumulated sick leave during any period of personal illness or disability due to pregnancy, childbirth, and related medical conditions or occurrences.

Department of Human Rights, Complainant, vs. Peavey Company, and Linda Brandt, Respondents, E1952.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Peavey Company (hereinafter "respondent") denied her a promotion due solely to her husband's employment with a competitor. The charging party alleged that this practice constituted marital status discrimination in employment. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation. Attempts to conciliate the matter were unsuccessful. A complaint was issued and the matter was scheduled for hearing.

Conclusions of Law.

The hearing examiner made, in part, the following Conclusions of Law:

1. The charging party was not given the opportunity to interview for the position of public relations assistant because her husband was employed by a competitor of the respondent.

2. The decision not to interview the charging party because of her husband's employment by a competitor and

the respondent's informal policy regarding the employment of close relatives of persons employed by competitors do not constitute discrimination based on marital status under Minn. Stat. § 363.03, subd. 1.

Hearing Notices

Department of Human Rights, Complaint, vs. County Road Five Properties, Richard Zejdlik, Conrad Salomonson, and Betty Salomonson, Respondents, December 17, 1977, 9:00 a.m., Dakota County Government Center, Boardroom, 1560 Highway 55, Hastings, Minnesota.

Department of Human Rights, Complainant, vs. Smead Manufacturing Company, Respondent, January 16, 1978, 9:00 a.m., Dakota County Government Center, Boardroom, 1560 Highway 55, Hastings, Minnesota.

Department of Human Rights, Complainant, vs. Boise Cascade Corporation, Respondent, December 19 and 20, 1977, 10:00 a.m., International Falls Municipal Building, Community Hall, International Falls, Minnesota.

Department of Human Rights, Complainant, vs. Fairway Foods, Inc., Respondent, December 6, 1977, 9:00 a.m., Northfield Safety Center, Council Chambers, 300 West Fifth Street, Northfield, Minnesota.

Department of Human Rights, Complainant, vs. Independent School District #750, Respondent, December 28, 1977, 9:30 a.m., Stearns County Courthouse, St. Cloud, Minnesota.

Department of Natural Resources

Notice of Intent to Solicit Outside Opinion on the Inclusion of the Cannon River in the Minnesota Wild, Scenic and Recreational Rivers System

Notice is hereby given that the Department of Natural Resources has begun consideration of the possible designation of that portion of the Cannon River from the confluence of the Straight River northeast of Faribault to the river's confluence with the Mississippi River north of Red Wing as a component of the Minnesota Wild, Scenic and Recreational Rivers System. This designation would not apply to Byllesby Reservoir. In order to adequately determine the nature and utility of any rules associated with this designation, the Department of Natural Resources hereby requests information and comments from all interested individuals or groups concerning the subject matter of this proposed designation.

All interested or affected persons/or groups are requested to participate. Statements of information and comments may be made orally or in writing.

Please address these comments to:

Department of Natural Resources
Rivers Section
B-95 Centennial Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours (8:00 a.m.-4:30 p.m.) over the phone at 612-296-6784, and in person at the above address.

No final action on this proposal can be taken until public hearings are conducted according to the rule-making provisions of Minn. Stat. §§ 15.04-15.049. Sixty days notice of these public hearings will be published in the *State Register*. All statements of information and comment will be received until the hearing record closes.

Any proposed rules, if adopted, could regulate land uses, recreational development and use of this portion of the Cannon River. Designation as a component of the Minnesota Wild, Scenic and Recreational Rivers System would also give the Department of Natural Resources the authority to purchase riverside lands or interests in land from willing sellers.

William B. Nye, Commissioner

Department of Natural Resources

Notice of Intent to Solicit Outside Opinion on Rules for Water Application

The Department of Natural Resources has begun drafting rules containing standards and criteria for granting and denying permits for the appropriation of surface water and groundwater in quantities greater than the domestic needs of 25 persons (generally 10,000 gallons per day, 1,000,000 gallons per year).

Statutory basis for the rules is found in Minn. Stat. §§ 105.37, subd. 7, 105.38 cl 2, 105.41, 105.415, 105.44 subd. 8, and Laws of 1977, ch. 446, §§ 2, 3, 4, 5, 12, 18, 19, and 20.

The matters covered include appropriation from lakes, streams and underground sources for domestic, municipal, agricultural, commercial, industrial, and power plant purposes.

The Department welcomes information and opinions concerning the subject matter of the rules. Written statements and oral statements by telephone or in person may be sent or made to

Dan Knuth
DNR, Division of Waters
444 Lafayette Road
St. Paul, MN 55101
(612) 296-4800

Statements will be accepted through January 13, 1978.

Dated Oct. 28, 1977

Gerald D. Seinwill
Director, Division of Waters

Pollution Control Agency

Notice of Continuation of Hearing Regarding the Identification, Labeling, Classification, Storage, Collection, Transportation and Disposal of Hazardous Waste

Notice is hereby given that the public hearing on the above-captioned rules and amendments will continue on Monday, November 28, 1977 at 10:00 A.M. in the Agency Boardroom, 1935 West County Road B2, Roseville, Minnesota and will continue until all persons have had an opportunity to be heard.

The notice of hearing and the text of the proposed rules were previously published in Volume 2, State Register, pages 521-617.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to the hearing examiner assigned to this matter:

William Seltzer
Office of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8105

either at the hearing or within 20 working days after the close of the hearing. The hearing will be conducted as described in Minn. Stat. § 15.0412 and in Minnesota Regulations HE 101-109.

The proposed rules, if adopted, would establish criteria for determining whether a waste is a hazardous waste. They would also require the producers of most wastes to evaluate the wastes to determine whether they are hazardous. All hazardous wastes would have to be handled and disposed of in accordance with pertinent provisions of the proposed regulations. The amendments to the solid waste regulations, if adopted, would clarify that hazardous wastes are regulated under these new hazardous waste regulations and not under the solid waste regulations.

Copies of the proposed rules and amendments are now available and one free copy may be obtained by writing to the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113 (Attention: James Kinsey). Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 115.03, subd. 3 (1976), 116.07 (1976) and 473.823 (1976). A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony is on file with the Hearing Examiner's Office and available there for public inspection.

Please be advised that Minn. Stat., ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five 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 exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Sandra S. Gardebring
Executive Director

Department of Public Welfare Chemical Dependency Program Division

Notice of Request for Proposals

A Request For Proposals was issued by the Chemical Dependency Program Division, Department of Public Welfare (State Alcohol and Drug Authority) on November 10, 1977, for the purpose of tabulating responses from a program survey and preparing a statewide directory of services. The Division will design the survey, but a grant will be awarded for tabulating the results, preparing tapes for federal agencies, and preparing a camera-ready directory. The lowest bid of acceptable quality will be selected for funding. Pro-

posals must be received before November 24, 1977. Persons or organizations wishing to receive this RFP should contact Ken Steger, Research Coordinator, Chemical Dependency Program Division, 4th Floor, Centennial Office Bldg., St. Paul, MN 55155. Telephone (612) 296-4612.

Water Resources Board

Notice of Referral for Board Intervention and Notice of Hearing

Upon referral by the Honorable Urban J. Stiemann, Judge of the District Court, Third Judicial District, pursuant to Minn. Stat. § 105.751, the Board has consented to intervene in a matter involving the concerns of Messrs. Galler and Strohl and the Department of Natural Resources as to certain land disturbance activity in a watershed area in Janesville Township, Waseca County, Minnesota.

The Board's hearing on the matter is scheduled to begin at 1:30 p.m. in the St. Ann School building in Janesville, Minnesota, 56048, on Tuesday, November 29, 1977.

The Board's consent document will be published in full in the Elysian Enterprise, Elysian, Minnesota, 56028, and the Waseca's Daily Journal, Waseca, Minnesota, 56093 on November 10 and 17, 1977.

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