

178 Oct. 2

STATE REGISTER

STATE OF MINNESOTA

RULES

PROPOSED RULES

STATE CONTRACTS

OFFICIAL NOTICES

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VOLUME 3, NUMBER 13

OCTOBER 2, 1978

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STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 3			
14	Monday Sept 25	Monday Oct 2	Monday Oct 9
15	Monday Oct 2	Monday Oct 9	Monday Oct 16
16	Monday Oct 9	Monday Oct 16	Monday Oct 23
17	Monday Oct 16	Monday Oct 23	Monday Oct 30
18	Monday Oct 23	Monday Oct 30	Monday Nov 6

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

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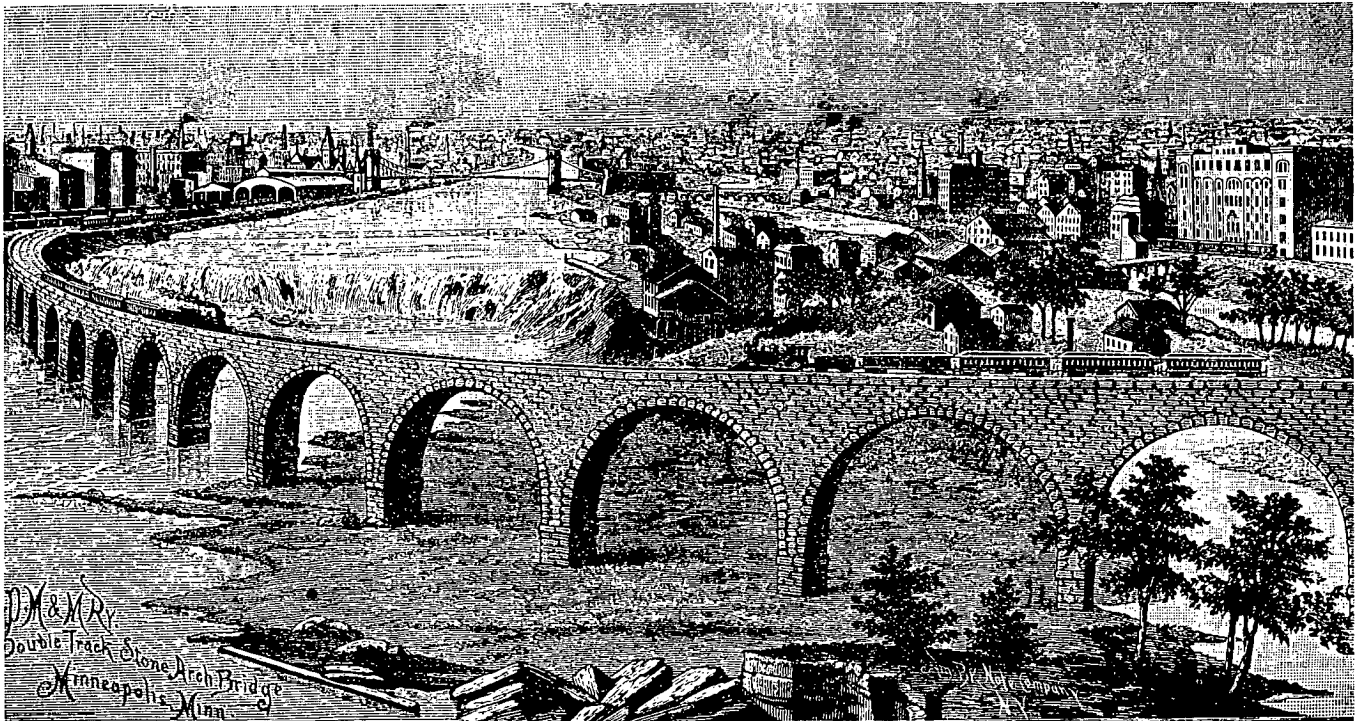
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RULES



The Stone Arch Bridge below St. Anthony Falls is the only bridge of its kind spanning the Mississippi, and the second oldest bridge on the river. Built in 1882 by railroad executive James J. Hill, the \$750,000 project was called "Jim Hill's Folly," but after completion it became known as "The Great Bridge." It originally contained 23 limestone arches, two of which were replaced with a truss span in 1962. In 1971, traffic on the bridge was reduced from 30 trains to 2 each day. (Reprinted from *Personal Recollections of Minnesota and Its People*, John Stevens, 1890)

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption as proposed and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Department of Labor and Industry Steamfitting Standards Division

Adopted Rules Governing Steamfitting Standards

The rules proposed and published at *State Register*, Vol-
ume 2, Number 44, pp. 1976-1984, May 8, 1978 (2 S.R.
1976), are adopted and are identical to their proposed form.

State Treasurer's Office Unclaimed Property Division

Adopted Rules Governing the Uniform Disposition of Unclaimed Property Act

The rules proposed and published at *State Register*, Volume 2, Number 32, pp. 1500-1502, February 13, 1978 (2 S.R. 1500) are adopted as of August 29, 1978 and are identical to their proposed form, with the following amendments:

Rules as Adopted

Chapter One General

TRE 1 Purpose. The rules and regulations contained in this subchapter are for the purpose of implementing provisions of the Unclaimed Property Law: Uniform Disposition of Unclaimed Property Act, Minn. Stat. §§ 345.31-345.60, as amended.

TRE 2 Service charges. The term "service charges" means any type of charge deducted deduction by a holder (as defined in subdivision 5 of Minn. Stat. § 345.31, subd. 5) from property subject presumed abandoned pursuant to the Uniform Disposition of Unclaimed Property Act, (Minn. Stat. §§ 345.31-345.60 inclusive, Laws of 1977, ch. 137), including, but not limited to charges imposed by virtue of the inactivity, dormancy, or abandonment of property such as service charges, handling charges, and administrative costs, and also shall include:

A. For the types of property described in Minn. Stat. §§ 345.32, 345.33, 345.35 and 345.37, deductions by a holder from property prior to the presumption of abandonment, which deductions are made by reason of the non-occurrence of the events or acts that prevent the presumption of abandonment as described in those sections, or by reason of the inactivity, dormancy, or unclaimed status of the property; and

B. For the types of property described in Minn. Stat. §§ 345.34, 345.36, 345.38 and 345.39, deductions by a holder from property prior to the presumption of abandonment, which deductions are made by reason of the inactivity, dormancy, or unclaimed status of the property.

TRE 3 Property. The term "property" means any property that is reportable to the State Treasurer under the Uniform

Disposition of Unclaimed Property Act, or would be reportable if service charges had not been deducted therefrom. Reserved for future use.

TRE Inactivity. The term "inactivity" means nonoccurrence of any of the events or acts described in (1), (2), (3), (4) or (5) of Minn. Stat. § 345.32(a) or (1), (2), (3), or (4) of Minn. Stat. § 345.32(b). Reserved for future use.

TRE 5 Deducted. The term "deducted" shall also be deemed to mean "excluding." Reserved for future use.

Chapter Two Service Charges Lawfully Withheld

TRE 6 Authority for service charges. Service charges shall not be deducted from property unless:

A. Expressly permitted by provisions of the Uniform Disposition of Unclaimed Property Act; and

B. Authorized by a statute other than the Uniform Disposition of Unclaimed Property Act or by a valid, enforceable contract which expressly provides for such charges and the terms of which are not inconsistent with the provisions of the Uniform Disposition of Unclaimed Property Act. Reserved for future use.

TRE 7 Contracted service charges. For purposes of Minn. Stat. §§ 345.32(a), (b), and (c), 345.34, 345.39 and rule TRE 6 B. hereof, an agreement in order to constitute a "contracted service charge", "charges that may lawfully be withheld", or "valid enforceable contract" must satisfy the following conditions:

A. The agreement must be in writing and executed by the customer.

B. The agreement shall expressly provide on the face thereof the specific amount or method by which such service charges shall be calculated and in no event shall the terms thereof be unreasonable or unconscionable.

C. Any modification or supplement, or amendment to an agreement otherwise satisfying these regulations must be assented to in writing by the customer.

D. Such agreement shall otherwise comply with all Minnesota Statutes and Federal Statutes and regulations to which holders are subject. Reserved for future use.

TRE 8 The provision "excluding contracted service charges which may be deducted for a period not to exceed one year" set forth in § 345.32(a), (b) and (c) shall apply to all contracts entered into on or after July 1, 1977 and to all contracts entered into prior to July 1, 1977, the service charge provi-

RULES

sions of which are amended subsequent to July 1, 1977. Reserved for future use.

TRE 9 Substantiation Report of deductions service charges. If service charges ~~are~~ have been deducted from ~~property~~, a holder shall include or attach as part of the report filed pursuant to Minn. Stat. § 345.41:

A. The citation of the ~~statute~~ authority or a copy of the form of contract authorizing such service charges;

B. The value or amount of each item of property, before any service charges ~~are~~ were deducted therefrom;

C. The ~~total~~ amount of service charges deducted from each item and the date or dates on which such service charges were deducted; and

D. Such other information or documentation as the State Treasurer may reasonably require to ~~substantiate~~ explain the deduction of service charges. Such documentation may include records of communications or correspondence with ~~customer~~ the owner, passbook provisions, signature card, rules and regulations, by-laws, and any other ~~documentations~~ documents concerning any agreement between the bank holder and the customer owner.

This rule shall also require the reporting of service charges if the total of such charges deducted from an item of property equals or exceeds the value of the item.

TRE 10 Waiver of non-enforcement of right. Service charges may not be deducted from property pursuant to a contract or statute if the holder would not have deducted such charges in the event the property had been claimed by the owner prior to being reported or remitted to the State Treasurer. Reserved for future use.

Chapter Three Interest or Dividends

TRE 11 Authority for Report of discontinuance. If payment of

interest or dividends on property subject to Minn. Stat. §§ 345.32 (a) and (b) is presumed abandoned pursuant to the Uniform Disposition of Unclaimed Property Act was discontinued, at any time during the period of inactivity, before or after the property was presumed abandoned, by reason of the inactivity, dormancy or unclaimed status of the property, the holder shall include or attach as part of the report filed pursuant to Minn. Stat. § 345.41:

A. A copy of the form of a ~~valid, enforceable~~ contract which authorized such discontinuance of payment of interest or dividends; or

B. The citation of the ~~statute~~ authority for which authorized such discontinuance of payment of interest or dividends.

TRE 12 Non-Enforcement of right. A contract or statute shall not be considered as authorizing discontinuance of payment of interest or dividends if such payment would not have been discontinued or would otherwise have accrued to the benefit of the owner, in the event the property had been claimed by the owner prior to being reported or remitted to the State Treasurer. Reserved for future use.

Chapter Four Miscellaneous

TRE 13 Reporting period. The provisions of Minn. Stat. § 345.32(a)(4) and (5) and (b)(4) are effective as of July 1, 1977. Unless such sections are satisfied subsequent to said date the property shall be reportable to the State Treasurer.

TRE 14 Receipt of statement. For purposes of Minn. Stat. § 345.32(a)(4) and (b)(4), a tax report or regular statement of deposit shall be deemed to be "the statement" referred to in said sections.

TRE 15 Negative property report. A person who holder which has no property which is reportable pursuant to the Uniform Disposition of Unclaimed Property Act shall report that fact if so requested in writing by the State Treasurer.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.



Zebulon Pike, soldier and explorer, was born in New Jersey in 1779. He led an exploring party up the Mississippi in 1805, and was one of the first white men to venture beyond St. Anthony Falls. Pike achieved a treaty with the Dakota permitting erection of Fort Anthony (later Fort Snelling) and several trading posts. He also explored the Arkansas and Red rivers and nearby mountains, but never reached the summit of the mountain that bears his name. (Minnesota Historical Society)

Department of Administration Building Code Division Proposed Rules for Energy Conservation Standards for Existing Residences

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room 83, State Office Building, Fuller and Aurora Streets, St. Paul, Minnesota, on November 8, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Natalie Gaul, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 5 working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner. Written material submitted within the above time limits will be recorded in the hearing record.

The proposed rules address two areas of energy conservation in existing residences: a) the reduction of air infiltration, and b) improvement of thermal efficiency of the structure. The proposed rules will be mandatory for residential rental properties if economically feasible. The proposed rules will be used as a basis for evaluation of owner-occupied residences at the time of sale. The proposed rules incorporate methods for calculating energy savings and determining economic feasibility.

Copies of the proposed rules will be available at the door on the date of the hearing and one free copy can now be obtained by writing to the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 116H.129, subd. 1 (1977 Supp.), as amended by Laws of 1978, ch. 786, § 2.

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will in-

PROPOSED RULES

clude a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiner at a minimal charge.

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Please be advised that pursuant to Minn. Stat. 10A.01, subd. 11 (1976) as amended by Laws of 1978, ch. 463, § 11, any individual: (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials must register with the State Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The statute provides certain exceptions. Questions should be directed to the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-1723.

September 18, 1978

Richard L. Brubacher
Commissioner

Rules as Proposed

2MCAR § 1.16201 Authorization. These rules are promulgated pursuant to Minn. Stat. § 116H.129, subd. 1 (1977 Supp.), as amended by Laws of 1978, ch. 786, § 2 and provide for rules relating to economically feasible energy conservation standards for existing residences.

2MCAR § 1.16202 Enforcement. The Minnesota Energy Agency shall conduct random inspections as provided in Minn. Stat. § 116H.129, subd. 1 (1977 Supp.), as amended by Laws of 1978, ch. 786, § 2.

2MCAR § 1.16203 Purpose. The purpose of these rules is to establish minimum energy efficiency standards that are economically feasible for existing residences.

2MCAR § 1.16204 Scope. The scope of these rules addresses two areas:

A. The reduction of air infiltration as it relates to air leakage through the exterior envelope.

B. The improvement of the thermal efficiency of the structure as it relates to the transfer of heat through the exterior envelope.

C. These rules incorporate the methods for calculating energy savings and determining economic feasibility of each minimum energy efficiency standard.

2MCAR § 1.16205 Definitions.

A. Accessible. Shall mean exposed, without the removal of permanent parts of the structure.

B. Attic. The space between the ceiling joists and the rafters immediately above. The space between rafters formed where interior finish material is affixed directly to the rafters shall not be construed to be an attic space.

C. Degree day, heating. A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter. For any one day, when the mean temperature is less than 65F (18°C), there exist as many Degree Days as there are Fahrenheit (Celsius) degrees difference in temperature between the mean temperature for the day and 65F (18°C).

D. Economic feasibility. Shall occur when the savings in energy procurement cost, based on residential energy costs as certified by the Minnesota Energy Agency director in the *State Register*, exceed the cost of acquiring and installing each energy conserving item required to meet 2 MCAR § 1.16206, amortized over the subsequent 5-year period.

E. Exterior envelope. The elements of a building which enclose conditioned spaces and through which thermal energy may be transferred to or from the exterior.

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PROPOSED RULES

F. Fireplace stove. A chimney-connected, solid fuel-burning stove having part of its fire chamber open to the room.

G. Insulation. Any material or assembly of materials used primarily to provide resistance to heat flow in building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic cellular, or reflective materials, whether in loose fill, flexible, or semi-rigid form.

H. Positive shut-off. A shut-off device which will produce a seal to inhibit the flow of air when a fireplace or fireplace stove is not operating. i.e. damper in fireplace, damper at top of flue, damper in connector pipe, or doors (glass or other) on fireplace or fireplace stove.

I. "R" value. The measure of resistance to heat flow through a material or the reciprocal of the heat flow through a material expressed in British thermal units per hour per square foot per degree Fahrenheit at 75 degrees Fahrenheit mean temperature.

J. Residence. Means any dwelling for habitation either seasonally, meaning all or a portion of the months of December through March, or permanently by one or more persons. A residence may be owned or rented and may be part of a multi-family dwelling or multi-purpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools and other buildings used for educational purposes, or correctional institutions. A mobile home as defined in § 168.011, subd. 8, shall be a residence for purposes of these rules.

K. Rim joist. That portion of the exterior envelope between the top of the foundation wall and the sub-floor immediately above. The perimeter of the floor joists.

L. Single glazed. Windows with one sheet of glazing separating the conditioned space from the exterior. For the purposes of these rules non-conditioned enclosed porches, vestibules, or other appurtenances are considered the equivalent of one layer of glazing.

M. U-Value (U-Factor or $U = \text{Thermal Transmittance}$). The thermal transmission of heat in unit time through unit area of a particular body or assembly, including its boundary films divided by the difference between the environmental temperatures on either side of the body or assembly; BTU/(hr · ft² · F). Also the reciprocal of total R-Value.

N. Weatherstripping. Material permanently affixed to limit infiltration of air, usually made of metal, wood, felt, neoprene, expanded foam, or a combination thereof.

2 MCAR § 1.16206 Minimum energy efficiency

standards. Where demonstrated to be economically feasible pursuant to 2 MCAR § 1.16207, 2 MCAR § 1.16208, and 2 MCAR § 1.16209 the following shall be standards for existing residences. Pursuant to Minn. Stat. 116H.29, subd. 3 and subd. 5 (1977 Supp.) as amended Laws of 1978, ch. 786, § 2, residential rental buildings built before January 1, 1976, which are not in compliance with these standards shall be modified to be in compliance within the economic feasibility defined in 2 MCAR § 1.16205 by January 1, 1980 with respect to caulking and weatherstripping and by July 1, 1983 with respect to all provisions herein; and shall provide a basis for evaluation of residences at time of sale.

1. Install weatherstripping between operable window sash and frames and between doors and frames.

EXCEPTION: Weatherstripping not required on storm doors or storm windows.

2. Caulk, gasket or otherwise seal accessible exterior joints between foundation and rim joist around window and door frames, between wall and roof, between wall panels, at penetrations for utility services through walls, floors, and roofs and all other openings in the exterior envelope.

3. Install positive shut-offs for all fire places or fire place stoves.

4. Install insulation in accessible attics to achieve a minimum total "R" value of 19.

5. Install insulation in all accessible rim joist areas to achieve a minimum total "R" value of 11.

6. Install insulation in accessible walls and/or floors enclosing conditioned spaces to achieve a minimum total "R" value of 11. Accessible walls shall include above-grade foundation walls of basements, cellars or crawl spaces.

7. Install storm windows on all single glazed exterior window units enclosing conditioned space.

8. Install storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule, or other appurtenance provides a double door effect or provides an "R" value of 2 or more.

2 MCAR § 1.16207 Procedures for calculating energy savings and determining economic feasibility. The calculation of the energy savings and the determination of the economic feasibility for each of the minimum energy efficiency standards shall be computed in a manner specific to each residence, i.e., on a case by case basis. This determination shall be performed according to the following procedures.

PROPOSED RULES

A. Determine the values of the general energy savings equation (2 MCAR § 1.16208) which are specific to each residence. These values include degree days, heating system efficiency and the heating value of the fuel but do not include the design heat loss per degree Fahrenheit (ΔH).

B. Calculate design heat per degree Fahrenheit (ΔH) for the standard under consideration using the equations outlined in 2 MCAR § 1.16208A. through 2 MCAR § 1.16208H.

C. Calculate the quantity of annual energy savings for the standard under consideration by substituting the calculated value of ΔH into the general energy savings equation and solving for energy savings (ΔE).

D. Determine the price per unit of energy (P) for the annual energy savings quantity.

E. Determine the cost of the energy saving improvement (C) proposed to meet the standard under consideration.

F. Calculate the payback period (T) for the standard under consideration by substituting the values of P, C and ΔE into the general payback equation (2 MCAR § 1.16209) and solving for the payback period in years.

G. If the payback period is less than five years the energy saving improvement meets the economic feasibility requirement.

H. Repeat the above procedure for each of the energy efficiency standards.

2 MCAR § 1.16207.1. General energy savings equation. The following equation shall be used to calculate energy savings for each of the eight energy efficiency standards.

Equation A*:

$$\Delta E = \Delta H \times \frac{D \times 21.7}{N \times V}$$

Where

E = The quantity of annual energy savings in the appropriate energy units, e.g. hundreds of cubic feet of natural gas, gallons of fuel oil, or kilowatt hours of electricity.

*Equation (A) is derived from the ASHRAE Handbook, 1976 Systems, pp. 43.1-43.18.

H = The difference in design heat loss per degree Fahrenheit between the improved condition and the existing condition for infiltration and/or thermal transmission. Equations for calculating ΔH are listed in subsequent subsections.

D = The normalized annual degree days as published by the National Oceanic and Atmospheric Administration (NOAA).

= The rated full-load efficiency of the heating system.

= The heating value of the fuel type, consistent with ΔE and ΔH .

A. Install window and door weatherstripping. The following equation shall be used to calculate ΔH for energy efficiency standard 1 (2 MCAR § 1.16206A.).

Equation #1:

$$\Delta H = 1.08 \times (q_0 - q_1) \times L$$

Where

q_0 = The infiltration value in cubic feet per minute per lineal foot of crack, $\frac{CFM}{ft}$, for the existing window or door weatherstripping condition before improvement;

q_1 = The infiltration value in cubic feet per minute per lineal foot of crack, $\frac{CFM}{ft}$, for the proposed window or door weatherstripping condition after improvement;

L = The length of the crack in feet which is under consideration for weatherstripping.

B. Caulk, gasket or seal joints. The following equation shall be used to calculate ΔH for energy efficiency standard 2 (2 MCAR § 1.16206B.).

Equation #2:

$$\Delta H = 1.08 \times (q_0 - q_1) \times L$$

Where

q_0 = The infiltration value in cubic feet per minute per lineal foot of crack, $\frac{CFM}{ft}$, for the existing crack before improvement;

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

PROPOSED RULES

q_1 = The infiltration value in cubic feet per minute per lineal foot of crack, $\frac{\text{CFM}}{\text{ft}}$, for the proposed crack seal after improvement;

L = The crack length in feet for the crack under consideration.

C. Install positive shut-offs. The following equation shall be used to calculate ΔH for energy efficiency standard 3 (2 MCAR § 1.16206C.).

Equation #3:

$$\Delta H = 1.08 \times (q_0 - q_1) \times A$$

Where

q_0 = The infiltration value in cubic feet per minute per square foot, $\frac{\text{CFM}}{(\text{ft})^2}$, for the existing condition before improvement;

q_1 = The infiltration value in cubic feet per minute per square foot, $\frac{\text{CFM}}{(\text{ft})^2}$, for the proposed condition after improvement with a positive shut-off;

A = The cross sectional area of the flue or connector in square feet.

D. Install attic insulation. The following equation shall be used to calculate ΔH for energy efficiency standard 4 (2 MCAR § 1.16206D.).

Equation #4:

$$H = \left(\frac{1}{R_0} - \frac{1}{R_1} \right) \times A$$

Where

R_0 = The total R-Value of the attic/ceiling/roof assembly including existing insulation before improvement;

R_1 = The total R-Value of the proposed attic/ceiling/roof assembly including existing insulation and additional insulation after improvement;

A = The area of the attic/ceiling/roof assembly in square feet separating conditioned space from unconditioned space.

E. Install rim joist insulation. The following equation shall be used to calculate ΔH for energy efficiency standard 5 (2 MCAR § 1.16206E.).

Equation #5:

$$\Delta H = \left(\frac{1}{R_0} - \frac{1}{R_1} \right) \times A$$

Where

R_0 = The total R-Value of the rim joist assembly including existing insulation before improvement;

R_1 = The total R-Value of the rim joist assembly including existing and additional insulation after improvement;

A = The area of the rim joist assembly in square feet separating conditioned space from unconditioned space.

F. Install wall and/or floor insulation. The following equation shall be used to calculate ΔH for energy efficiency standard 6 (2 MCAR § 1.16206F.).

Equation #6:

$$\Delta H = \left(\frac{1}{R_0} - \frac{1}{R_1} \right) \times A$$

Where

R_0 = The total R-Value of the existing wall or floor assembly including existing insulation before improvement;

R_1 = The total R-Value of the proposed wall or floor assembly including existing and additional insulation after improvement;

A = The area of the wall or floor assembly in square feet separating conditioned space from unconditioned space.

G. Install storm windows. The following equation shall be used to calculate ΔH for energy efficiency standard 7 (2 MCAR § 1.16206G.).

Equation #7:

$$\Delta H = (U_0 - U_1) \times A$$

Where

U_0 = The U-Value for the existing window assembly before improvement;

U_1 = The U-Value for the proposed window assembly after improvement;

A = The area of the window assembly in square feet separating conditioned space from unconditioned space.

H. Install storm doors. The following equation shall be used to calculate ΔH for energy efficiency standard 8 (2 MCAR § 1.16206 H.).

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Equation #8:

$$\Delta H = (U_0 - U_1) \times A$$

Where

U_0 = The U-Value for the existing door assembly before improvement;

U_1 = The U-Value for the proposed door assembly after improvement;

A = The area of the door assembly in square feet separating conditioned space from unconditioned space.

2 MCAR § 1.16209 General payback equation. The payback period in years shall be calculated by dividing the cost of the energy-saving improvement by the product of the price per unit of energy and the quantity of annual energy savings. The payback equation shall be:

Equation B:

$$T = \frac{C}{(P) \times (\Delta E)}$$

Where

T = payback period in years;

C = the total cost of purchasing and installing energy saving improvements minus applicable federal and/or state tax credits, grants or subsidies;

P = price per unit of energy, this unit being the same as the unit of annual energy savings, ΔE . The appropriate values of P shall be those certified by the director of the Minnesota Energy Agency in the *State Register*, pursuant to Minn. Stat. Section 116H.129, Subd. 1 (1977 Supplement), as amended by Minn. Laws 1978, c. 786, Section 2;

ΔE = the quantity of annual energy savings in the appropriate energy units, e.g., hundreds of cubic feet of natural gas, gallons of fuel oil, or kilowatt-hours of electricity, as calculated for each of the energy efficiency standards.

Department of Health Human Genetics Division Proposed Rules Relating to the Expansion of Tests of Infants for Inborn Metabolic Errors Causing Mental Retardation

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1977), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Monday, November 6, 1978, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to 7 MCAR § 1.172 captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Harry Crump, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8111, either before the hearing or within five (5) working days after the close of the hearing or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed amendments is attached hereto and made a part hereof.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Supervisor of the Human Genetics Unit, Minnesota Department of Health, 717 Delaware Street Southeast, Min-

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neapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

The statutory authority of the Commissioner of Health to promulgate and adopt these rules is contained in Minn. Stat. § 144.125 (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Laws of 1978, ch. 463, § 11 as any individual:

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

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

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

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiner at a minimal charge.

September 13, 1978

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

Rules as Proposed

Chapter Eleven

7 MCAR § 1.172

Testing for Phenylketonuria

(a) Prescribed Test (Screening) Procedure: The Guthrie Inhibition Assay procedure is specified as a procedure to be used for screening for phenylketonuria. The laboratories of the Minnesota Department of Health will provide the test, without charge, and will furnish necessary materials for submission of specimens, request forms and instructions to hospitals and physicians. Other laboratories, including hospital laboratories, may carry out this test or other approved test, providing they meet the specifications designated by the State Department of Health. Specimens from cases where doubtful or positive findings are obtained will be submitted to the State Department of Health Laboratories for confirmation and follow-up.

All suspected or confirmed cases of phenylketonuria shall be reported to the State Department of Health.

Other tests for screening of inborn errors of metabolism leading to mental retardation may be designated and provided by the laboratories of the State Department of Health, in cooperation with the Minnesota State Medical Association and the Minnesota Society of Clinical Pathologists.

(b) Time and Place for Testing

(1) Each institution wherein initial newborn care is rendered shall test or have tested each newborn infant for phenylketonuria. Blood for the test shall be collected on the day of discharge for the institution provided that such discharge does not occur prior to the third day of life or prior to 24 hours after the commencement of milk feedings. If discharge occurs prior to either or both of these times, the institution shall notify the parents or legal guardian verbally and in writing of the necessity of having the PKU test performed on their child not later than the 14th day of life. If the PKU test is medically contraindicated at the times specified above, the test shall be performed as soon as the medical condition of the infant permits such testing.

(2) Infants receiving domiciliary care in the institution wherein initial newborn care was rendered or who are transferred to another institution for specialized care was rendered or who are transferred to another institution for specialized care, shall be tested not later than the 14th day of life, unless medically contraindicated, in which case the test shall be performed as soon as the medical condition of the infant permits such testing.

(3) When an infant has been born outside of an in-

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stitution and has not subsequently been admitted to an institution for initial newborn care; it shall be the duty of the person required by section 144.159 of Minnesota Statutes 1961 to register the birth of a child to cause the test to be administered not later than the 14th day of life, unless medically contraindicated, in which case the test shall be performed as soon as the medical condition of the infant permits such testing.

(e) Duties of Administrator of Responsible Institution and of the Person Required to Register the Birth of a Child. The administrator of the responsible institution and the person required to register the birth of a child shall:

(1) within 24 hours after the taking of the specimen, cause such specimen to be forwarded to the designated laboratory by first class mail or its equivalent;

(2) cause to be recorded on the infant's chart the date of taking of the test specimen;

(3) cause the results of the test for phenylketonuria performed as prescribed by the State Board of Health to be recorded on the infant's chart.

(4) notify the mother in writing that early discharge from hospital or insufficient milk feeding or late breast feeding may make the test invalid and that it is her responsibility to have the infant retested by the physician at 4 to 6 weeks of age at the first postpartum or clinical visit.

(d) Postnatal Visit. It is recommended at the first postnatal visit to the attending physician or to the well child clinic at approximately 4-6 weeks of age, each newborn should be retested.

(e) Definitive Diagnosis. In the event of a positive test, the State Health Department Laboratory will send to the physician (or hospital) materials for submission of specimens for confirmatory diagnosis.

A. Purpose and scope of the rule. This rule describes the responsibilities of the hospitals, physicians and the Minnesota Department of Health to assure that all newborn infants are screened for phenylketonuria, galactosemia and hypothyroidism.

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

1. "Attending physician" means the physician who is

identified on the specimen card as the physician submitting the specimen.

2. "Newborn infant" means a child from birth through the first five days of life.

3. "Positive screening results" means that laboratory tests clearly indicate that the child has a high risk for developing one or more of the diseases covered by this rule.

4. "Responsible party" means the administrative officer or other person in charge of each hospital where the child is born, and the person required to register the birth of a child (Minn. Stat. § 144.159, 1976*)

5. "Screen" means to carry out a series of laboratory tests on a dried capillary blood specimen which will identify those newborn infants who may develop phenylketonuria, galactosemia and/or hypothyroidism.

6. "Specimen" means a specimen of dried capillary blood from the newborn infant collected on a specimen card.

7. "Specimen card" means a filter paper card provided by the Minnesota Department of Health and used to collect the specimen.

C. Responsibilities of parties involved in the Newborn Metabolic Screening Program.

1. The responsible party shall do all of the following:

a. Inform the parent(s) or legal guardian that their newborn(s) will be screened for the metabolic diseases phenylketonuria, galactosemia and hypothyroidism, and explain the reasons for such screening and their right to refuse this screening on the grounds that such tests conflict with their religious tenets and practices.

b. Collect or have collected a specimen for screening no later than the fifth day after the infant's birth, unless the parents lawfully object to such screening. If this specimen is taken prior to the third day of life or prior to 24 hours

* "The physician, midwife, or other legally authorized person in attendance at the birth, or if not attended, one of the parents, shall within 5 days subscribe and file a certificate of birth on a form prescribed by the Commissioner of Health for that purpose, with the local registrar of the district within which the birth occurred."

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after beginning milk feeding, the responsible party shall notify the parents or legal guardian verbally and in writing of the necessity of having the PKU test repeated on their newborn not later than the 14th day of life. If taking a blood sample at the times specified above is medically contraindicated, the sample shall be taken as soon as the infant's condition permits.

c. Record on a permanent record the date the specimen is collected.

d. Send the specimen and the following information to the Minnesota Department of Health laboratory within 24 hours after collection:

(1) Newborn Infant's Name

(2) Sex

(3) Mother's Name

(4) Home Address

(5) Date of Birth

(6) Date of First Feeding

(7) Date Specimen Collected

(8) Name and Address of Attending Physician and Hospital Submitting Specimen

(9) County

(10) Premature (Yes or No)

(11) Bottle Breast Both

e. If the newborn infant is transferred to a second health care facility before the specimen is collected, the responsible party shall inform the second facility of this fact and may delegate to it the responsibility for collecting and transmitting the specimen.

2. The Minnesota Department of Health shall do all of the following:

a. Develop specimen cards and make them available at no charge to the responsible party.

b. Maintain a record of all cases of phenylketonuria, galactosemia and hypothyroidism reported to it.

3. The attending physician shall do all of the following:

a. Report, in writing, all confirmed diagnosis of phenylketonuria, galactosemia, and hypothyroidism to:

Human Genetics Unit
Minnesota Department of Health
717 S.E. Delaware Street
Minneapolis, MN 55440

b. If he refers a patient with positive screening results to a medical specialist for diagnosis and/or treatment, he may delegate the responsibility for reporting a confirmed diagnosis.

STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Pollution Control Agency Water Quality Division Notice of Extension of Deadline for Receipt of Proposals

The Pollution Control Agency published two notices of request for proposals concerning nuclear power plants in the July 31, 1978 *State Register*. Those notices were entitled:

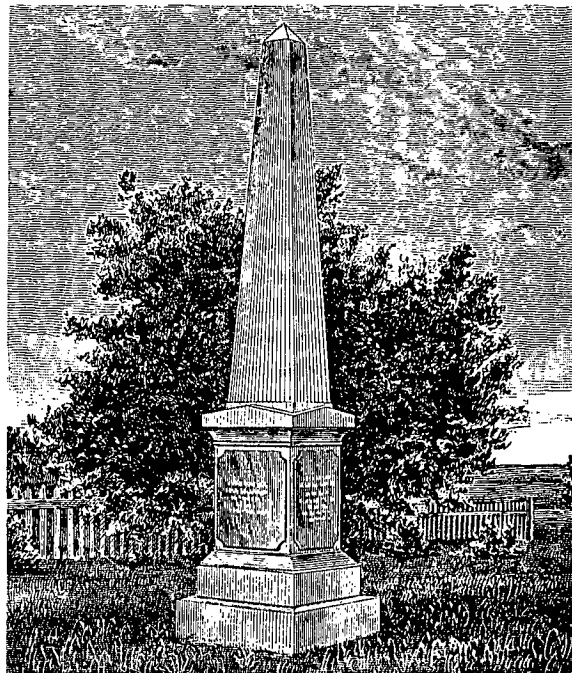
1. Notice of Request for Proposals for Assessment of Radioactive Air Emission Control and Monitoring at Minnesota Nuclear Power Plants.

2. Notice of Request for Proposals for Assessment of Risk Associated with Radioactive Air Emissions from Minnesota Nuclear Power Plants and Efficacy of Environmental Radioactive Monitoring Programs.

The deadline for proposals is extended to November 15, 1978.

Persons desiring further information should contact:

Dr. John W. Ferman
Nuclear Engineer
Division of Water Quality
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113



The Acton Monument in the Ness Church cemetery near Litchfield commemorates the first five victims of the Sioux Uprising of 1862. The 20-foot granite monument, erected in 1878, originally contained a time capsule holding several coins and a scroll listing names of federal, state and local officials. When the structure was opened in September 1978, only the coins had escaped decomposition. A new capsule will be set inside the monument. (Reprinted from *An Illustrated History of Minnesota*, T. H. Kirk, 1887).

Department of Transportation

Notice Of Availability of an Agreement for Surveying and Mapping Research and Training Programs

The Minnesota Department of Transportation (Mn/DOT) requires the services of a civil engineer, registered as a civil engineer or land surveyor with the State of Minnesota Board of Architecture, Engineering, Land Surveying, and Landscaping Architecture to perform the following:

1. Automated Mapping

Monitor the implementation of an automated mapping system and prepare a report on (a) requirements of equipment and methods of field surveying practices to be integrated into the automated system, and (b) requirements of a training program for Mn/DOT personnel in the new system.

STATE CONTRACTS

2. Abandoned Railroad Records

Study railroad land records and monumentation relating to common boundaries between railroads and Mn/DOT with the goal of preserving and perpetuating such data for protection of Mn/DOT property. Study the need for legislation to perpetuate these records.

3. Audio-Visual Training Programs (Using Mn/DOT Equipment)

Develop and prepare five audio-visual training programs for technician orientation in the areas of surveying, design, and/or inspection.

4. Audio-Visual Bibliography

Prepare a bibliography on available audio-visual or film programs in the field of civil engineering including a rating on these programs as to their specific value to Mn/DOT.

Desirable qualifications include experience in instruction at an accredited civil engineering school, with specialization in land surveying and photogrammetry.

The estimated fee range for this project is not to exceed \$12,500. Parties desiring consideration shall submit a technical proposal (not a cost proposal) outlining their plan to accomplish the work before October 16, 1978.

E. R. Larson, Director
Surveying And Mapping Section
Room 711 Transportation Building
St. Paul, MN 55155
Telephone (612) 296-1077

Minnesota Zoological Garden

Notice of Request for Proposals for Temperature Control Systems Maintenance

The Minnesota Zoological Garden is requesting proposals for a qualified service contractor to provide regularly

scheduled maintenance inspections of the temperature control system installed at the MZG.

The contract shall be for a period of nine months beginning November 1, 1978 and ending on June 30, 1979. The sum of the contract shall not exceed \$24,000.00.

Persons wishing a copy of the Request for Proposal or submitting a proposal should contact Vicki Uchida, Administrative Coordinator, Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minnesota 55124.

Questions on specific details of the project should be addressed to: Pat Burns, Physical Facilities Manager, Minnesota Zoological Garden, (612) 432-9010.

All proposals must be received by 4:30 p.m., October 12, 1978.

Notice of Request for Proposals for Centrifugal Water Chiller Inspection and Maintenance

The Minnesota Zoological Garden is requesting proposals for a qualified contractor to provide scheduled maintenance inspections of the centrifugal water chiller used at the M.Z.G.

The contract shall be for a period of nine months beginning November 1, 1978 and ending June 30, 1979. The sum of the contract shall not exceed \$12,000.00.

Persons wishing a copy of the Request for Proposal or submitting a proposal should contact Vicki Uchida, Administrative Coordinator, Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minnesota 55124.

Questions on specific details of the project should be addressed to: Pat Burns, Physical Facilities Manager, Minnesota Zoological Garden, (612) 432-9010.

Proposals must be submitted no later than 4:30 p.m., October 12, 1978.

The above two requests for proposal may be submitted as one by any company wishing to make a proposal on both contracts.

OFFICIAL NOTICES

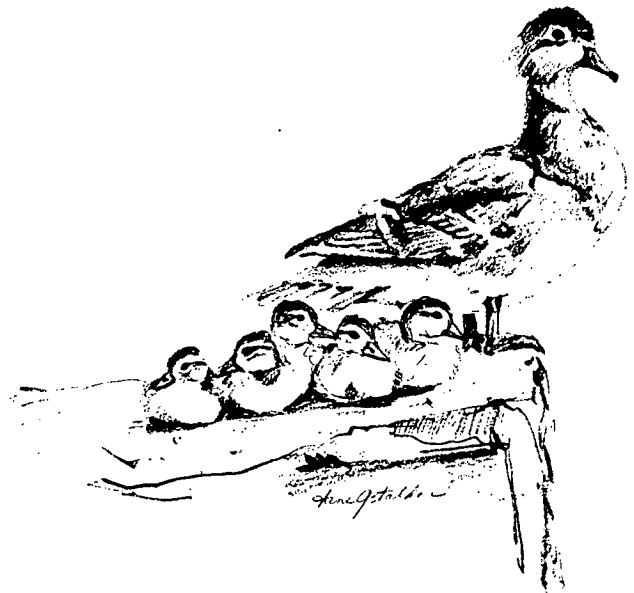
Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Education Special and Compensatory Education Division

Notice of Public Hearings on Minnesota's State Plan for the U.S. Education for All Handicapped Act

Four hearings will be held on Minnesota's 1979 State Plan for Public Law 94-142, Education for All Handicapped Act. The purpose is to verify to the U.S. Office of Education that Minnesota is in substantial compliance with Part B of the Act and is eligible to receive funds. About \$11 million will then be released to schools to develop programs for handicapped children. The plan includes: Rights of parents and children, policies, procedures, monitoring, evaluation, personnel training and use of the funds. The public must have an opportunity to review and comment on the plan or submit written comments by Oct. 17, 1978 to Dr. Will Antell, 550 Cedar St., St. Paul, Minnesota 55101. The hearings will be conducted by Jo Gascoigne, Administrator of Federal Programs. For copies contact Antell (612) 296-7020 or a Special Education Regional Consultant. The plan will go to the State Board of Education in November and then to USOE. For information, contact Keith Kupcho (612) 296-4896. Alexandria: Sept. 25, Noon-4 p.m., Alexandria Police Department. Mankato: Sept. 27, 10 a.m.-2 p.m., East High School. Duluth: Oct. 2, 10 a.m.-2 p.m., Duluth School Board Room. St. Paul: Oct. 6, 8:30 a.m.-12:30 p.m., State Office Building, Room 81.



The Wood Duck is found near woods, streams and ponds throughout Southern Canada and North America. The male's green, blue, purple, yellow and white feathers make it the most colorful of all North American ducks. The female usually nests in a hollow tree, sometimes 40 feet from the ground. Experts disagree on how the ducklings get down from the nest, but most believe they use their tiny, sharp claws to scramble to the opening, and float gently to the ground or water below. Wood ducks nearly became extinct, but recently seem to be increasing. (Drawing by Jane G. Stalder)

Energy Agency

Northern States Power Company Application for Recertification of the In-Service Date for Sherburne County Generating Unit No. 3

Notice of Prehearing Conference

A prehearing conference to discuss procedural matters has been scheduled in this proceeding by hearing examiner William Seltzer. The prehearing conference will begin at 9:00 a.m., October 5, 1978, in the Conference Room of the Minnesota Energy Agency, 980 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101.

September 25, 1978

David L. Jacobson
Acting Manager
Certificate of Need Program

Order for Hearing and Notice Thereof

It is hereby ordered and notice is hereby given that a contested case hearing concerning the above-entitled matter

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will commence at 9:30 a.m. on November 6, 1978, in Courtroom No. 2, Seventh Floor, Federal Building, 316 North Robert Street, St. Paul, Minnesota. The hearing will continue at times and places to be specified by the Hearing Examiner. A prehearing conference will be held at the further Order of the Hearing Examiner assigned to the matter.

The hearing will be held before William Seltzer, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8105, an independent hearing examiner assigned by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to represent themselves or to be represented by legal counsel or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law, throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 and procedural rules Minn. Regs. HE 201-222 and EA 500-520. Where the procedural rules conflict, the Hearing Examiner's Rules, HE 201-222, supersede the Agency's rules, EA 500-520. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to David L. Jacobson, Acting Manager, Certificate of Need Program, 980 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone (612) 296-7502.

The purpose of the hearing is to determine whether Northern States Power Company (hereinafter the "applicant") has justified the need for a revised in-service date for its proposed Sherburne County Generating Unit No. 3 ("Sherco 3"), as proposed in its application filed pursuant to Minn. Stat. § 116H.13, 6 MCAR §§ 2.0601-.0641, and the Agency's order of March 23, 1978. On April 12, 1976, the Agency certified the need for Sherco 3 to be in operation by May 1, 1981. By communications in December of 1977 and thereafter, applicant notified the Agency pursuant to Agency rules that applicant's most recent information indicated the necessity of delaying the in-service date of Sherco 3. The Director ordered a public hearing to consider the matter and, on March 23, 1978, issued an order voiding the timing determination of the earlier certificate, holding the effectiveness of the remainder of the certificate in abeyance, and requiring the applicant to initiate a rehearing for recertification of the timing of Sherco 3. The applicant submitted its application pursuant to the March 23 order on August 21, 1978.

The hearing will address the accuracy of the applicant's revised forecast of demand for the energy that will be supplied by the proposed facility, the ability of applicant's system to meet the forecast demand, and the effectiveness of applicant's conservation program.

Any person wishing to become a party to the proceeding must file a Notice of Intervention or a Petition to Intervene

with the Hearing Examiner pursuant to Minn. Regs. EA 506 and HE 210(a). The Notice or Petition must be received by the Hearing Examiner on or before October 9, 1978, and a copy must be served on the Energy Agency (at 980 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101), on the applicant (at 414 Nicollet Mall, Minneapolis, Minnesota 55401, c/o A. W. Benkusky), and on known parties at time of intervention. Later intervention may be allowed by the Hearing Examiner based on circumstances at the time of filing. However, early intervention is strongly encouraged. Parties must file a Notice of Appearance within twenty (20) days of the date of this Order. (The Notice of Appearance is not a substitute for a Petition to Intervene).

Any person who wishes to give testimony, present other evidence or exhibits, or note his appearance at the hearing may do so, pursuant to Minn. Reg. HE 210(e), without having attained party status by intervention. Registration forms for such appearances will be available at the hearing.

All persons are advised that no factual information or evidence, except tax returns and tax reports, which is not part of the hearing record shall be considered by the Hearing Examiner or by the Director in the determination of the above-entitled matter. Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

The procedural rules cited above are available for review at the Office of Hearing Examiners (Minn. Regs. HE 201-222) and at the offices of the Energy Agency (Minn. Regs. EA 500-520). The applicant's application for a certificate of need and the substantive rules applicable to this matter, 6 MCAR §§ 2.0601-.0641, are also available for review at the offices of the Energy Agency and at libraries designated as Minnesota Environmental Quality Board distribution points. The latter are: the East Central Regional Library, Cambridge; the Great River Regional Library, St. Cloud; the Marshall-Lyon County Library, Marshall; the Minnesota Valley Regional Library, Mankato; the Rochester Public Library; the St. Paul Public Library; and the Environmental Conservation Library, Minneapolis. (The testimony of the parties, if prefiled, will also be available at the Agency and the libraries.) All rules may be purchased from the Documents Section, Department of Administration, 140 Centennial Building, St. Paul, Minnesota 55155, telephone (612) 296-2874. The cited procedural rules provide generally for the procedural rights and obligations of the parties including the right to advance notice of witnesses and evidence, the right to present evidence and cross-examine witnesses; the right to purchase a record or transcript, the right to object to petitions for intervention, the obligation to meet certain time limits, the obligation to file proposed findings and conclusions, and the right to file comments on and exceptions to the findings and recommendation of the Hearing Examiner.

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Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence. Requests for subpoenas must be made of the Hearing Examiner in writing, pursuant to Minn. Reg. HE 216.

If persons have good reason for requesting a delay in the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the Agency and any other parties.

September 19, 1978

John P. Millhone
Director

Minnesota Department of Human Rights Settlement Agreements, Pre-determination Agreements and Hearing Notices for Period Beginning July 17, 1978 and Ending September 25, 1978

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contain 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. Independent School District No. 720, Respondent, E3666.

Charge:

A person (hereinafter "charging party") filed a charge alleging that his employer, Independent School District No. 720 of Shakopee (hereinafter "respondent"), discriminated against him by compensating him less for coaching girls' basketball than the coach for boys' basketball was compensated. He alleged that the difference in compensation was based on the sex of the participants on the two teams rather than on an objective comparison of the jobs to be performed. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement:

The matter was settled in the following manner:

1. The respondent agreed to pay the charging party the sum of \$480.00 in negotiated settlement of the charge.

Department of Human Rights, Complainant, vs. Independent School District No. 108 of Norwood, Respondent, E3258.

Charge:

A person (hereinafter "charging party") filed a charge alleging that her employer, Independent School District No. 108 of Norwood (hereinafter "respondent"), discriminated against her because of her sex by denying her accrued sick leave and the standard increase she was eligible for when she was absent from work because of pregnancy. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegations.

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 \$546.96 in full settlement of the charge.
2. The respondent agreed to revise its policy with regard to the use of accrued sick leave for pregnancy and pregnancy related disabilities.
3. The respondent agreed to provide group health and accident insurance premium coverage to employees on pregnancy-related leaves in the same manner as it is provided for employees on other types of authorized leaves.

Department of Human Rights, Complainant, vs. Good Shepherd Lutheran Home of Sauk Rapids, Respondent, E3277.

Charge:

A person (hereinafter "charging party") filed a charge alleging that her employer, Good Shepherd Lutheran Home (hereinafter "respondent"), discriminated against her by discharging her on the basis of an alleged disability, a family history of serious back problems. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement:

The charge was settled in the following manner:

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1. The respondent agreed that the charging party's personnel record would indicate that she was a satisfactory employee. The respondent agreed to make no written or oral statement to the contrary.

2. The respondent agreed that it would not make written or oral statements indicating that the charging party's physical condition rendered her incapable of performing her job duties during her employment.

Department of Human Rights, Complainant, vs. John Deere Company, Respondent, E3146.

Charge:

A person (hereinafter "charging party") filed a charge alleging that John Deere Company (hereinafter "respondent") discriminated against her by refusing to hire her because her husband was already employed by the respondent. The charging party believed that this action constituted discrimination because of her marital status. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement:

The matter was settled in the following manner:

1. The respondent agreed to eliminate its policy of not hiring spouses to work in the same area at its Bloomington facility.

2. The respondent agreed to offer the charging party a position in its warehouse facility in Bloomington. The date of employment was agreed upon as commencing two weeks after the final execution of the settlement agreement.

Department of Human Rights, Complainant, vs. Rex Olchefske, Respondent, RP178.

Charge:

A person (hereinafter "charging party") filed a charge alleging that Rex Olchefske, her landlord (hereinafter "respondent"), increased her rent because he observed her associating with a male of a different race. Following an investigation, the Commissioner of Human Rights found 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 not to engage in any act of reprisal against any tenant based upon a tenant's association with a person or group of persons of another race.

2. The respondent agreed to reduce the charging party's rent and to maintain her rent at a rate consistent with other one-bedroom deluxe units.

3. The respondent agreed to reimburse the charging party for the amount of rent she was overcharged.

4. The respondent agreed to pay the charging party \$500.00 in punitive damages.

Pre-determination Agreements

A pre-determination agreement is an agreement reached before the Commissioner has determined whether or not there is reason to believe that a discriminatory practice occurred. It is signed by the charging party, the respondent, and the Commissioner. By entering into a pre-determination agreement, a respondent makes no admission that a discriminatory practice has occurred. Pre-determination agreements were reached between the department, charging parties, and the following respondents:

AFSCME, E3186
Burlington Northern, Inc., E3388
Conwed Corporation, E5182
Crossroads Liquor, E4719
Foley Brothers, Inc., E5107
Holes Webway Company, E5052
Independent School District No. 879, Delano, E5180
ITT Continental Baking Company Inc., E5208
Jacob Schmidt Brewing Company, E2799
Minnesota Occupational Information System, E3357, RP77, A9, A12, E3356, RP78, RP79, A10, A11
Midwest Federal Savings and Loan Association of Minneapolis, E4847
Northwest Airlines, PA290
(Orange Julius) L.G. Inc., E5164
PADCO, Incorporated, E5114
Pako Photo, Inc., E4795
Perkins Cake and Steak, E4839, 5036
Pickands Mather and Company, E5065
Pillsbury Company, E5130
Q Petroleum Corporation, E5170
Ramsgate Apartments, H1040
Rodeway Inn, E5151
Sperry Univac, E5108
Target Store, PA345
The Toro Corporation, E5173
Twin City Federal, E5106
United States Steel Corporation, E5167, E5190
Western Life Insurance Company, E4544

Hearing Notices

Department of Human Rights, Complainant, vs. City of Minneapolis, City of Minneapolis Police Department,

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Michael Sundstrom, and Michael Cich, Respondents,
October 11, 1978, 9:00 a.m., Minneapolis City Hall, Room
301, Minneapolis, Minnesota.

**Department of Human Rights, Complainant, vs. Re-
serve Mining Company, Respondent,** October 5, 1978,
9:00 a.m., Duluth City Hall, Council Chambers, Duluth,
Minnesota.

Department of Natural Resources

Notice of Intent to Solicit Outside Information or Opinion Regarding Snowmobile Noise Emission Standards

Notice is hereby given that the Department of Natural
Resources is seeking information or opinions from sources
outside the agency in preparing to propose amendments to

the rules governing snowmobile noise emission standards.
These rules are 6 MCAR §§ 1.0051-1.0059 (NR 51-59).
Any interested persons may submit data or views on this
subject in writing or orally to:

Theresa Bailey-Morrow
Department of Natural Resources
Box 6, Centennial Office Bldg.
St. Paul, MN 55155

Any written material received by the agency shall become
a part of the hearing record in the event amendments to the
rules governing this subject are promulgated.

September 19, 1978

Theresa Bailey-Morrow

ERRATA

At 3 S.R. 292: PSC 401 A.1.e. should read, "Statement
indicating the method of insuring the payment of refunds as
prescribed in PSC 401(b)B."

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