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# STATE REGISTER

STATE OF MINNESOTA

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VOLUME 5, NUMBER 6

August 11, 1980

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### 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 5			
7	Monday Aug 4	Monday Aug 11	Monday Aug 18
8	Monday Aug 11	Monday Aug 18	Monday Aug 25
9	Monday Aug 18	Monday Aug 25	Monday Sept 1
10	Monday Aug 25	Friday Aug 29	Monday Sept 8

\*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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The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$120.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

# MCAR AMENDMENTS AND ADDITIONS

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# 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 rule or amendment. 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.

Public Hearings on Agency Rules August 18-25, 1980		
Date	Agency and Rule Matter	Time & Place
Aug. 19	Natural Resources Department Water Surface Use Management Hearing Examiner: Kent Roberts	10:00 a.m., and 7:30 p.m., Meeting Room #1, Lower Level Crow Wing County Service Bldg., Brainerd, MN

# ADOPTED RULES

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 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.

## Department of Administration Board of Electricity

### Adopted Rule Amending Inspection Fees

The rule proposed and published at *State Register*, Volume 4, Number 50, pp. 1933-1935, June 16, 1980 (4 S.R. 1933) is now adopted as proposed (4 MCAR § 11.004).

**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."

# SUPREME COURT

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## Decisions Filed Thursday, July 3, 1980

Compiled by John McCarthy, Clerk

**50561/Sp. State of Minnesota vs. Richard D. Stigen, Appellant. Hennepin County.**

Defendant, by failing to object to evidence that he remained silent when first questioned by police, is deemed to have forfeited his right to have that issue considered on appeal.

Trial court in burglary prosecution did not err in admitting (*Spreigl*) evidence concerning relevant prior burglary or in refusing to submit misdemeanor trespass.

Evidence of defendant's guilt of burglary was sufficient.

Affirmed. Sheran, C. J.

**50401/151 Barbara J. Hendrickson, Relator, vs. Northfield Cleaners, Department of Economic Security. Department of Economic Security.**

Because relator had improved her skills between the time when she left her temporary, summer job and when she was reoffered it as permanent employment, it was no longer a suitable offer of employment whose refusal would disqualify her for continued receipt of unemployment compensation.

Reversed. Sheran, C. J.

**50550/259 John Williams Elzie and Philip Louis Gutterman, Appellants, Steven Michael Gagnier, Appellant, vs. Commissioner of Public Safety, State of Minnesota. Ramsey County.**

When a complaint alleges constitutional infirmities, the plaintiff deserves a judicial forum, and his complaint should only be dismissed for failure to state a claim upon which relief can be granted if it is completely frivolous.

In evaluating whether to grant a Rule 12.02 motion to dismiss, all allegations in the complaint must be taken as true.

A case is not moot as long as the possibility of adverse collateral legal consequences exists.

Reversed and remanded for trial. Sheran, C. J.

**50496/305 Ronald Lange, a Minor, by Orville Lange, His Father and Natural Guardian, and Orville Lange, for Himself, Appellants, vs. Charles Schweitzer, et al, Defendants, Dale H. Wolfe, d.b.a. Oelwein Specialty Co., and Charles Schweitzer and Jerry Schweitzer, Dale H. Wolfe, d.b.a. Oelwein Specialty Co., Third Party Plaintiffs, vs. Robert Lange, Third Party Defendant, and Robert Lange, Third Party Plaintiff, vs. Delores Davis and Keith Davis, Third Party Defendants, and Ronald Lange, a Minor, by Orville Lange, His Father and Natural Guardian, and Orville Lange, for Himself, Appellants, vs. Virgil Suckow. Winona County.**

Contribution will be allowed among tortfeasors whose sales of fireworks are determined to be negligence which in varying proportions contributed to cause loss or injury to others when such sales, although a violation of Minn. Stat. § 624.21 (1978) and a misdemeanor pursuant to Minn. Stat. § 624.25 (1978), were not made with conscious intent to harm others.

Affirmed. Sheran, C. J.

**50167/191 Frank's Nursery Sales, Inc., vs. City of Roseville, et al., Appellants. Ramsey County.**

A city is not estopped from correctly enforcing a zoning ordinance notwithstanding a property owner's reliance upon prior incorrect interpretations of the ordinance. However, the interpretation of a zoning ordinance is a question of law for the trial court, and the opinion of the local zoning authority, while entitled to consideration, is not binding on the court.

In this case the trial court was correct in rejecting the city's interpretation of the zoning ordinance, and the conclusion of the trial court that respondent's planned store is a "lawn and garden" center within the ordinance is upheld.

Affirmed. Peterson, J.

**50156, 50163/106 Edward Mauer, a.k.a. Red Maurer, vs. Braun's Locker Plant, et al., Relators (50156), Woody's Meat Market, et al., Relators (50163), T. H. Schaefer & Sons, Inc., et al., Employer and Insurer, and State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.**

The Workers' Compensation Court of Appeals has broad discretion in deciding whether to vacate an award, but it is not without limits. This court has recognized four general grounds for establishing "cause" to vacate a settlement award: (1) fraud; (2) mistake; (3) newly-discovered evidence; and (4) substantial change of employee's condition. We reject the employee's request in this case that this court recognize a fifth category—the referee's lack of authority to approve a stipulation for settlement in cases involving death or permanent total disability—since neither of these claims is presented. In light of this rejection, we remand for clarification of the basis for the decision of the Workers' Compensation Court of Appeals to vacate the award "in this interest of justice."

Remanded for further proceedings. Scott, J.

**50321/147 David E. Luger, Appellant, vs. City of Burnsville. Dakota County.**

Where no statute or ordinance permits or requires neighborhood consent to a zoning variance, a city council may not require every abutting property owner to consent to a proposal to construct a home on certain land. Since the city council here voted unanimously in favor of the grant of the variance sought, a writ of mandamus shall issue. Scott, J.

**48338/328 (1979) State of Minnesota vs. David Marcel Meizo, Appellant. Anoka County.**

Evidence seized, based upon a search warrant wherein the affidavit appears deficient on its face, is nevertheless constitutionally admissible where the magistrate was informed by oral, sworn—although unrecorded—testimony of facts which established the required probable cause for the issuance of the warrant.

Affirmed. Scott, J. Concurring specially, Todd, J. Dissenting, Wahl, J.

**50525/Sp. State of Minnesota vs. Gregory J. Lehman, Appellant. Hennepin County.**

Evidence that theft was committed and that defendant participated in commission of theft was sufficient to support guilty verdict.

Defendant failed to raise in trial court issue of adequacy of allegations of complaint as to time offense was allegedly committed, and defendant has not shown on appeal that allegations were so vague as to make it impossible for him to defend charge.

Defendant, by explicitly rejecting offer of mistrial based on good faith conduct of prosecutor in referring in opening statement to testimony which she expected but was unable to produce due to witness' exercise of privilege against self-incrimination, is deemed to have forfeited his right to have issue considered on appeal.

Affirmed. Wahl, J.

**50034/92 Alert T. Newland, Sr., et al., vs. Overland Express, Inc., et al., Appellants. Hennepin County.**

Plaintiff truck driver was not an employee of both the lessor and the lessee of the tractor truck in which he was injured, so as to bar his tort action under Minn. Stat. § 176.031 (1978).

The lessor and lessee of a tractor truck were not engaged in a common enterprise, so as to bar plaintiff's tort action under Minn. Stat.

Affirmed. Wahl, J.

**50361/230 Violet Welton, Widow of Benjamin Welton, Deceased Employee, vs. Pioneer Telephone Company, et al, Relators. Workers' Compensation Court of Appeals.**

The employer and insurer have the right under Minn. Stat. § 176.061 (1965) to credit their compensation liability for dependency benefits and burial expenses against the proceeds of employee's settlement of his common law negligence action against third parties.

Reversed. Wahl, J.

**49852/304 State of Minnesota vs. Leonard Eugene Packer, Appellant. Clay County.**

Evidence of defendant's guilt of criminal sexual conduct in the second degree was sufficient.

Trial court, pursuant to R. 404, R. Evid., properly excluded evidence that 12-year-old complainant in sex case had been victim of another sex offense six years earlier.

Trial court's supplementary instructions, given after jury stated that it was split 10 to 2 and was having a problem, were proper and were not intended to nor likely to coerce a verdict.

Affirmed. Wahl, J.

# STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, 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.

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## Department of Natural Resources Bureau of Engineering

### Notice of Request for Proposals for Architectural Services for Design of Interpretive Building

Notice is hereby given that the Department of Natural Resources is requesting proposals for architectural services for the design of an interpretive building to be located at Lake Maria State Park.

The consultant is to provide the state with construction drawings and specifications for the building. Consultant shall follow established park theme and concepts as prepared by the sponsor.

The department has estimated that the cost of this project should not exceed \$12,000.00 for professional services and expenses.

Proposals must be submitted by 3:00 p.m., September 3, 1980, to Keith C. Englesby, Acting Administrator of the Bureau of Engineering, Department of Natural Resources, 4th Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. For a copy of the Request for Proposal, contact John W. Newstrom, Architectural Section Supervisor, at (612) 296-2119.

### Notice of Request for Proposals for Architectural Services for Design of Three Building Projects

Notice is hereby given that the Department of Natural Resources is requesting proposals for Architectural services for the design of three building projects (Contact Stations) to be located at Banning, Forestville and Helmer Myre State Parks.

The Consultant is to provide the State with construction drawings and specifications for each building. (Architectural, Mechanical and Electrical). Consultant shall follow established park themes and concepts as prepared by the sponsor.

The department has estimated that the cost of this project should not exceed \$22,000.00 for professional services and expenses.

Proposals must be submitted by 3:00 p.m., September 3, 1980, to Keith C. Englesby, Acting Administrator of the Bureau of Engineering, Department of Natural Resources, 4th Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. For a copy of the Request for Proposal, contact John W. Newstrom, Architectural Section Supervisor, at (612) 296-2119.

## Pollution Control Agency Air Quality Division

### Notice of Extended Deadline for Submission of Completed Proposals for Construction Dust Control Study

The Air Quality Division of the Minnesota Pollution Control Agency (MPCA) hereby extends the submission of completed proposals from individuals or organizations to perform a study of construction dust control from August 4, 1980 to 4:30 p.m., Friday August 29, 1980.

Services requested are detailed in a request for proposals which may be obtained from:

Jayne M. Stilwell  
Air Quality Division, MPCA  
1935 W. County Road B-2  
Roseville, Minnesota 55113  
(phone 612-296-7280)

Funds for this study shall not exceed \$100,000, and final contract agreement is subject to the availability of funding from the U.S. Environmental Protection Agency.

## **State University System**

### **Notice of Availability of Temporary/Intermittent Instructional Positions**

The State University System will, from time to time, employ instructors on a temporary short-term basis. Instructors may be needed in all areas of higher education. Interested persons should contact the respective universities (listed below) by sending their credentials indicating particular areas of interest or expertise to the Vice President for Academic Affairs.

Contact:

Bemidji State University  
Dr. Willard Bornschlegl  
14th & Birchmont Drive  
Bemidji, Minnesota 56601

Mankato State University  
Dr. Philip Kendall  
5th & Jackson  
Mankato, Minnesota 56001

Metropolitan State University  
Dr. Robert Hanle  
Room 121 Metro Square Building  
St. Paul, Minnesota 55101

Moorhead State University  
Dr. William Jones  
1104 7th Avenue South  
Moorhead, Minnesota 56560

St. Cloud State University  
Dr. David Johnson  
1st Avenue South and 7th Street  
St. Cloud, Minnesota 56301

Southwest State University  
Dr. Judith Sturnick  
Marshall, Minnesota 56258

Winona State University  
Dr. Sheila Kaplan  
8th and Johnson  
Winona, Minnesota 55987

Estimated cost: Salary rate is negotiable.

Submission deadline: Resumes may be submitted at any time. Openings may occur at any time during the year.

# OFFICIAL NOTICES

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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, announcements of meetings, and matters of public interest.

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## Department of Agriculture Food, Meat and Poultry Inspection Division

### Notice of Intent to Solicit Outside Opinion Concerning Amendments to the Rules Relating to the Candling and Grading of Eggs (Chap. 18, Agr 388-417)

Notice is hereby given that the Food, Meat and Poultry Inspection Division of the Minnesota Department of Agriculture is considering amending the rules which create standards under which purchase and consumer grades are assigned to eggs produced in the state.

Consideration of the amendments to the rules is authorized by Minn. Stat. § 29.021 (1978) which allows the department to adopt the standard plan of accreditation and certification sponsored by the United States Department of Agriculture, or any other plan, and to cooperate with that department in matters of poultry improvement, egg quality and production. The amendments to the rule would cover the following areas:

- (1) Elimination of Grade AA.
- (2) Redefinition of Grades A and B.
- (3) Coding and Dating of all eggs.

All interested or affected persons or groups may submit information on the subject. Written or oral information and comment should be addressed to:

Bernard J. Steffen, Director  
Food, Meat & Poultry Inspection Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, Minnesota 55107  
(612) 296-2627

All statements of information and comment must be received by September 10, 1980. Any written material received by this date will become part of the record of any rules hearing held on this subject.

August 4, 1980

Bernard J. Steffen  
Director

## Department of Commerce Banking Division

### Bulletin No. 2267: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of August 1980

Notice is hereby given that pursuant to Minn. Stat. § 47.20, subd. 4a, the maximum lawful rate of interest for conventional home mortgages for the month of August, 1980, is thirteen (13.00) percentage points.

Further, pursuant to Senate File No. 273, Chapter 373, 1980 Session Laws, as it amended Minn. Stat. § 47.20 the maximum lawful rate of interest for contracts for deed for the month of August, 1980, is thirteen (13.00) percentage points.

July 23, 1980

Michael J. Pint  
Commissioner of Banks

**State Board of Education  
Department of Education  
Special Services Division****Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to  
Supervisory and Support Personnel**

Notice is hereby given that the State Board of Education is considering adoption of rules for the licensure of supervisory and support personnel.

The proposed rules are authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2, which establishes authority for the Board of Education to license supervisory and support personnel. The proposed rules would establish reasonable standards and procedures for the issuance, renewal, suspension, and revocation of licenses of supervisory and support personnel. For the purpose of licensure, supervisory and support personnel, as defined by Minn. Stat. § 125.03, as amended by Laws of 1980, ch. 345, § 1, includes superintendents, principals, professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, as well as counselors, school nurses, athletic coaches, and other professional employees who engage primarily in non-classroom activities. The term does not include librarians, school psychologists, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, or speech therapists.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

George B. Droubie, Manager  
Personnel Licensing and Placement Section  
Special Services Division  
Minnesota Department of Education  
610 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

All statements of information and comment must be received by September 15, 1980. Any written material received by this date will become part of the record, in the event rules concerning this subject are adopted.

July 28, 1980

Howard B. Casmey, Secretary  
State Board of Education

**Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Relating to  
Standards of Professional Conduct for School Administrators, Supervisory, and  
Support Personnel**

Notice is hereby given that the State Board of Education is considering adoption of a rule governing standards of professional conduct for school administrators, supervisory, and support personnel.

The proposed rule is authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2, which establishes authority for the Board of Education to license supervisory and support personnel. The proposed rule would establish reasonable standards of professional conduct, complaint procedures, and enforcement procedures for school administrators, supervisory, and support personnel. The proposed rule would apply to superintendents, principals, professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, as well as counselors, school nurses, athletic coaches, and other professional employees who engage primarily in non-classroom activities.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

George B. Droubie, Manager  
Personnel Licensing and Placement Section  
Special Services Division  
Minnesota Department of Education  
610 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

## OFFICIAL NOTICES

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All statements of information and comment must be received by November 1, 1980. Any written material received by this date will become part of the record of any rules hearing held on this subject.

July 28, 1980

Howard B. Casmev, Secretary  
State Board of Education

### **Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Relating to Licensure of Directors of Special Education**

Notice is hereby given that the State Board of Education is considering adoption of a rule which would govern the licensure of directors of special education.

The proposed rule is authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2, which establishes authority for the Board of Education to license supervisory and support personnel, which includes professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

George B. Droubie, Manager  
Personnel Licensing and Placement Section  
Special Services Division  
Minnesota Department of Education  
610 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

All statements of information and comment must be received by November 1, 1980. Any written material received by this date will become part of the record of any rules hearing held on this subject.

July 28, 1980

Howard B. Casmev, Secretary  
State Board of Education

### **Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Relating to Head Varsity Coaches of Interscholastic Sports**

Notice is hereby given that the State Board of Education is considering adoption of a rule governing licensure standards for head varsity coaches of interscholastic sports in senior high schools.

The proposed rule is authorized by Minn. Stat. § 125.05, as amended by Laws of 1980, ch. 345, § 2, which establishes authority for the Board of Education to license athletic coaches.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

George B. Droubie, Manager  
Personnel Licensing and Placement Section  
Special Services Division  
Minnesota Department of Education  
610 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

All statements of information and comment must be received by November 1, 1980. Any written material received by this date will become part of the record of any rules hearing held on this subject.

July 28, 1980

Howard B. Casmev, Secretary  
State Board of Education

## **State Board of Investment Investment Advisory Council**

### **Notice of Regular Meeting**

The Investment Advisory Council will meet Friday, August 15, 1980 at 7:30 a.m. at the Minneapolis Club at 729 Second Avenue South, Minneapolis, Minnesota.

## **State Board of Medical Examiners**

### **Notice of Intent to Solicit Outside Opinion Concerning Rules Regarding the Practice of Medicine**

Pursuant to Minnesota law, the Minnesota Board of Medical Examiners hereby gives public notice of intent to promulgate rules relative to the practice of medicine.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following the publication of this material in the *State Register* by writing to Arthur W. Poore, Executive Secretary, Minnesota Board of Medical Examiners, Suite 352, 717 Delaware St. S.E., Minneapolis, Minnesota 55414.

The rules may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the rule.

A formal Notice of Hearing will appear at the appropriate time in the *State Register*.

### **Notice of Intent to Solicit Outside Opinion Concerning Rules Regarding the Practice of Physical Therapy**

Pursuant to Minnesota law, the Minnesota Board of Medical Examiners hereby gives public notice of intent to promulgate rules relative to the practice of physical therapy.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following the publication of this material in the *State Register* by writing to Arthur W. Poore, Executive Secretary, Minnesota Board of Medical Examiners, Suite 352, 717 Delaware St. S.E., Minneapolis, Minnesota 55414.

The rules may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the rule.

A formal Notice of Hearing will appear at the appropriate time in the *State Register*.

## **Pollution Control Agency**

### **Notice of Public Meeting Regarding Review of A Nuclear Safety Assessment Study Plan by A Committee Appointed by the Governor of Minnesota**

The widely publicized accident at Pennsylvania's Three Mile Island nuclear power plant in March, 1979, raised widespread concern about the safety of nuclear power facilities. As a result of the concern expressed in this state, Governor Quie determined that an independent assessment of the safety of Minnesota's nuclear power plants should be undertaken. There are two nuclear power facilities in the state: Prairie Island and Monticello. To aid in planning this assessment, the Governor appointed a Nuclear Safety Advisory Committee (the Committee). The Committee consists of eight citizens representing various disciplines, segments and views of the Minnesota community.

The first step in the assessment process was the development of a Study Plan; that is, a plan for how to go about assessing nuclear plants. The Study Plan, so limited, was to be developed by a consultant under contract with the Minnesota Pollution Control Agency. Minor, Hubbard, Bridenbaugh Technical Associates was the consultant awarded the contract to develop the Study Plan. A draft Study Plan has been generated by Minor, Hubbard, Bridenbaugh Technical Associates and the Committee is now in the process of discussing the draft with Minor, Hubbard, Bridenbaugh Technical Associates so that a final Study Plan can be prepared. It is anticipated that the final Study Plan will be completed by the middle of August, 1980.

As a next step the Committee is responsible for reporting to the Governor this fall on its recommendations for how the state should proceed to evaluate nuclear safety. The Committee is very interested in assuring that the general public in the State of Minnesota has a chance to review the final Study Plan and to comment on its content and on what action should follow. In particular, the Committee is interested in public comment on the following questions:

## OFFICIAL NOTICES

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1. Should the State of Minnesota proceed with a study of operating and design safety of Minnesota's nuclear power plants?
2. Is this a good plan of study?
3. What deviations, if any should be made from the Study Plan?
4. What other steps should the State of Minnesota undertake to assess the safety of Minnesota's nuclear power plants?

Therefore, the Committee, in conjunction with the Minnesota Pollution Control Agency staff, has scheduled a public meeting for Monday, September 8 for the purpose of allowing input from the public. The public meeting is scheduled to start at 7:00 p.m. in the Board Room of the Minnesota Pollution Control Agency located at 1935 West County Road B-2, Roseville.

The Committee is requesting that those parties who wish to testify at the public meeting have written copies of their testimony available at the public meeting. However, this is not an absolute requirement and testimony will be heard even if written testimony is not available.

Copies of a summary of the Study Plan will be available for the public when the final Study Plan is completed in the middle of August. If you have any questions on the scheduled public meeting, or if you are interested in reviewing the Study Plan before the public meeting, please contact Tim Scherkenbach of the Minnesota Pollution Control Agency at 296-7236.

August 4, 1980

## Public Utilities Commission

### Notice of Intent to Solicit Outside Opinion Concerning Implementation of FERC Cogeneration and Small Power Production Rules

Notice is hereby given that the Minnesota Public Utilities Commission is seeking information or opinions from outside the commission on appropriate methods for implementation of the Federal Energy Regulatory Commission (FERC) rules governing arrangements between electric utilities and qualifying cogeneration and small power production facilities. The Public Utility Regulatory Policies Act of 1978 (PURPA) required the FERC to establish such rules. PURPA also requires state regulatory authorities, such as the Minnesota Public Utilities Commission, to implement the rules within one year of their adoption by the FERC.

#### Background

On Monday, May 5, 1980, the Minnesota Public Utilities Commission (then the Minnesota Public Service Commission) published a Notice of Intent to Solicit Outside Opinion on this subject in the *State Register* (4 S.R. 1743). The time and place of the public meeting were changed, and the comment period extended, by Notice appearing in the *State Register* on May 26, 1980 (4 S.R. 1870).

In response to those notices, comments were received from Owatonna Public Utilities, the cities of Hibbing and Virginia, the Minnesota Public Interest Research Group (MPIRG), and Leland S. Watson.

In its comments, MPIRG noted the difficulties facing both the commission and commenters in engaging in worthwhile discussion without a specific proposal to focus upon. It proposed that the commission publish a synopsis of comments and commission reaction and current thinking on the major issues. Following publication, the commission should hold a public hearing for discussion of the issues. Following that hearing, proposed rules should be drafted and published.

The commission believes the suggestion is a good one, and is expanding upon it in this notice. Along with its summary, the commission is publishing a Staff Discussion Paper for comment. A public meeting to discuss the Paper is scheduled for 9:30 A.M. Wednesday, September 3, 1980 at the Commission's Large Hearing Room, 7th Floor, American Center Building, Kellogg and Robert Streets, St. Paul, MN. In addition, written comments are invited, provided they are submitted by September 12, 1980. The commission will then draft and publish a Proposed Rule.

#### Summary of July 3, 1980 Comment

**Owatonna Public Utilities.** The primary concern expressed by Owatonna Public Utilities was that payments for capacity not be excessive. To this end, the comments noted the utility's need for reliability when purchasing capacity. Furthermore, dollar for dollar present payments for avoided future capacity were seen to be unfair to current customers.

**Virginia and Hibbing.** The cities of Virginia and Hibbing expressed concern that "no rules be implemented which would impair or prejudice their otherwise clear status as 'qualified cogeneration facilities'."

**MPIRG.** MPIRG felt that, at least in the initial years, metering costs should not be treated as interconnection costs, but as research expenses chargeable to all taxpayers. Other interconnection costs could be amortized over a reasonably long period, or paid at once, at the option of the qualifying facility. Administrative costs associated with a class of cogenerators or small power producers should be spread to all such qualifying facilities; not assigned totally to the first applicant. With respect to capacity costs, MPIRG recommended

payments of the present value of future capacity displacement, with a pro rata share of such payments going to facilities which may not be individually reliable but which, as a group, are capable of providing reliable capacity through diversity. MPIRG presented three alternative rate structures for the required standard rates for qualifying facilities under 100 kilowatts. These included (in order of MPIRG's preference): 1) rates for peak and off peak energy with capacity compensation based on aggregate capacity displaced by facilities of this size; 2) net energy billing (essentially running the meter backward); and 3) net energy billing which varies by time of day. Finally, MPIRG suggested that only qualifying facilities requesting individually assessed capacity displacement payments be required to meet operating reliability standards.

**Leland S. Watson.** Mr. Watson began his comments with a comprehensive discussion of the benefits of electricity generation through cogeneration and small power production. He then observed that Minnesota's present generation mix of primarily coal and nuclear units yields much lower avoided energy costs than does New Hampshire's primary reliance on oil fired generation. He recommended that the commission encourage cogeneration and small power production at least to the extent they are encouraged by New Hampshire's avoided cost rates. To achieve this encouragement, he made the following recommendations, among others:

First, the commission would semiannually hold hearings and make determinations of the energy and capacity costs associated with a new 200 megawatt coal fired generating plant. These determinations would form the basis for avoided energy and capacity costs of baseload power for Minnesota utilities during the following six months. Second, an on peak energy component should be determined at least quarterly for power supplied on peak. If the power is sufficiently reliable and dispatchable, a capacity component equal to at least 20% of the energy component should be included. Third, no utility with excess coal and/or nuclear generation capacity within its system would be excused from purchasing capacity from qualifying facilities unless it is already purchasing such capacity in an amount equal to at least 20% of its maximum annual peak demand. Finally, utilities would be required to offer long term contracts.

The commission has not formulated its opinions on the appropriate course to take in implementing the FERC rules. The attached Staff Discussion Paper is exactly that, and should not be understood to reflect commission decisions. In writing the paper, staff had in mind three objectives:

1. The rule should not be so complex as to frighten people off;
2. All costs actually avoided should become payments to qualifying facilities, so as to provide maximum encouragement for cogeneration and small power production;
3. Electric utility ratepayers should be made no worse off through the program than they would be without it.

The commission invites comments on the appropriateness of the objectives, as well as on staff's success in achieving them.

All interested or affected parties are invited to submit written statements or comments addressed to:

Randall D. Young, Director  
Commission Staff  
Minnesota Public Utilities Commission  
American Center Building  
Kellogg & Robert Streets  
St. Paul, MN 55101

Written material received by September 12, 1980 will become part of the record of any rules hearing held on this subject.

**Cogeneration and Small Power Production  
Staff Discussion Paper**

**AVAILABLE**

In Minnesota

**APPLICABLE**

To all persons willing and able to enter into an agreement with the utility in Minnesota. Provisions of this rule shall not supersede existing contracts. At the expiration of any existing contract between the utility and a cogenerator or small power producer, any contract extension or new contract shall comply with this rule. Persons who have been awarded the status of "qualifying small power producer" and/or "qualifying cogenerator" pursuant to Section 201 of the Public Utility Regulatory Policies Act of 1978 (16 USC 796) are eligible to apply for service under this rule.

**DEFINITIONS**

I. "Estimated avoidable energy costs" means the estimated costs to the utility of electric energy which, but for the purchase from a cogenerator or small power producer, the utility would generate itself or purchase from another source. Monthly estimated avoidable energy costs are the average incremental costs of purchases or generation avoidable through purchases from qualifying facilities. These costs are to be determined in blocks of ten (10) megawatt-hours or less and are to be expressed on a cents-per-kilowatt-hour basis for:

## OFFICIAL NOTICES

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- A. daily peak estimated avoidable energy costs (averaged over each month),
- B. daily off-peak estimated avoidable energy costs (averaged over each month),
- C. seasonal peak estimated avoidable energy costs, and
- D. seasonal off-peak estimated avoidable energy costs.

II. "Actual avoided energy costs" means the costs which would have been incurred by the utility for electric energy which the utility would have had to generate itself or purchase from another source, had it not purchased the electric energy from a qualifying facility. Actual avoided energy costs shall be expressed on a cents-per-kilowatt-hour basis for:

- A. daily peak avoided energy costs (averaged over the month), and
- B. daily off-peak avoided energy costs (averaged over the month).

III. "Capacity costs" are the costs associated with providing the capability to deliver energy; they consist primarily of the capital costs of facilities used to generate and transmit electricity.

IV. "Cogeneration facility" is a facility which satisfies the conditions established in 18 CFR Part 292, Section 292.202(c).

V. "Costs of interconnection" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs incurred by the utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the utility would have incurred if it had not engaged in interconnected operations, but instead generated or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

VI. "Demand" means the average rate in kilowatts at which electric energy is delivered during a 15-minute period, or any other period to be determined by mutual agreement between the utility and the customer.

VII. "Energy" means electric energy, measured in kilowatt-hours (kwh).

VIII. "Energy costs" are the variable costs associated with the production of electric energy. They represent the cost of fuel and some operating and maintenance expenses, or the total cost of purchased energy. Identifiable capacity charges included in purchased power agreements shall not be included in the calculation of the cost of purchased energy. Such charges shall, when appropriate, be considered in the determination of capacity costs.

IX. "Interruptible power" means electric energy or capacity supplied by the utility to the cogeneration facility subject to interruption by the utility under certain specified conditions.

X. "Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of the qualifying facility.

XI. "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by the utility.

XII. "Qualifying facility" is a facility which satisfies the conditions established in 18 CFR Part 292, Section 292.101(b)(1).

XIII. "Sale" means the sale of electric energy or capacity or both by the utility to a qualifying facility.

XIV. "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of wind, biomass, waste, renewable resources, or any combination thereof. Only small power production facilities which, together with any other facilities located at the same site (as determined by the Federal Energy Regulatory Commission), have power production capacities of 80 megawatts or less, are covered by this rule.

XV. "Backup power" means electric energy or capacity supplied by the utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

XVI. "Supplementary power" means electric energy or capacity supplied by the utility which is regularly used by a qualifying facility in addition to that which the facility generates itself.

XVII. "System emergency" means a condition on a utility's system which is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

### CONDITIONS OF SERVICE

The conditions listed in this paragraph shall apply to all customers served under this schedule.

I. The utility shall purchase energy and/or capacity from any cogenerator or small power producer who offers to sell energy to the utility and agrees to the conditions set forth in this rule.

II. The qualifying facility shall be billed under the applicable residential, general, or industrial service schedule.

III. The qualifying facility shall execute a written agreement with the utility.

IV. The qualifying facility shall comply with the requirements of the National Electrical Safety Code.

V. The qualifying facility shall furnish, install, operate, and maintain in good order and repair and without cost to the utility such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus as shall be designated by the utility as being required as suitable for the operation of the qualifying facility in parallel with the utility system.

VI. Switching equipment capable of isolating the qualifying facility from the utility's system shall be accessible to the company at all times.

VII. At its option, the utility may choose to operate the switching equipment described in (VI) above if, in the sole opinion of the utility, continued operation of the qualifying facility in connection with the utility's system may create or contribute to a system emergency. The utility shall endeavor to minimize any adverse effects of such operation on the customer.

VIII. The qualifying facility shall indemnify and hold harmless the utility from any and all liability arising from the operation and interconnection of the customer's facilities. The qualifying facility shall bear full responsibility for the installation and safe operation of the interconnection facilities.

IX. The utility will provide sufficient data to allow the customer to determine the cost effectiveness of the qualifying facility if it goes into operation under any of the purchase agreements in this rule.

X. Any costs of interconnection incurred due to the interconnection of the qualifying facility, which are over and above the interconnection costs that would be incurred due to the connection of a non-generating customer, shall be the responsibility of the qualifying facility. Interconnection costs may be amortized over a period of time not greater than the length of the contract between the utility and the qualifying facility.

XI. The utility shall offer to provide maintenance, interruptible, supplementary, and back-up power to the qualifying facility.

XII. The utility may discontinue purchases from the qualifying facility if such purchases would contribute to a system emergency.

XIII. The utility may discontinue sales to the qualifying facility during a system emergency, providing that such discontinuance is on a nondiscriminatory basis.

#### **RATES FOR SALES AND PURCHASES**

I. For facilities of 100 KW or less capacity, for facilities who would not be demand metered under the applicable rate schedule and for facilities who select Option IIA.

The customer shall be billed for the net energy supplied by the utility according to the applicable rate schedule.

If it can be reasonably predicted that the facility will produce an average net input into the utility's system of 1,000 kwh per month or less on an annual basis, compensation to the customer shall be at the energy rate of the appropriate schedule. If the rate form consists of more than one block, the rate for the last block shall apply. Any net credit to the customer shall, at the customer's option, be rendered to the customer by check within 15 days from the billing date or credited to the customer's account. If it can be reasonably predicted that the facility will produce an average net input into the utility's system of more than 1,000 kwh per month on an annual basis, the rate for all net input into the utility's system shall be calculated according to the estimated avoidable energy costs per kilowatt-hour or the actual avoided energy costs per kilowatt-hour, the choice to be decided by the customer. The decision shall become a provision in the written agreement and may be reconsidered after a period of one calendar year.

In the event that a customer who is demand metered is served under this section due to the size of the facility or the customer's own option, demand charges shall be assessed according to the guidelines in IIB.

II. For installation of greater than 100 KW capacity and for customers who are demand metered.

The customer may select either one of the following options:

#### **OPTION A**

The customer may elect to receive service under the conditions outlined in I, above.

#### **OPTION B**

The customer may negotiate a contract with the utility. The contract shall explicitly address and resolve each of the issues described below.

A. The customer shall be billed for all energy supplied by the utility according to the applicable rate schedule.

B. Demand charges shall be assessed as follows:

1. Maintenance power: Demand charges for generation during outages for routine maintenance, when such outages are scheduled and occur as agreed upon by contract between the qualifying facility and the utility, shall be ignored when calculating the demand under any applicable rate schedule. Demand charges for back-up facilities shall be negotiated by contract.

## OFFICIAL NOTICES

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2. Interruptible power: Unless a standard rate schedule for interruptible power has been developed, demand charges for interruptible power shall be assessed according to a negotiated contract between the utility and the qualifying facility. The contract shall consider the restrictions, limitations, and prior notice provisions related to the utility's ability to interrupt the customer's power supply.

3. Supplementary power: The demand charge shall be assessed according to the appropriate rate schedule for the highest demand level experienced during the last 12 months in which the customer was served under this schedule. If the customer has been served under this schedule for less than 12 months, the demand charge shall be assessed according to the appropriate rate schedule for the highest demand level experienced while the customer was being served under this schedule or for the highest demand level that the customer can be expected to put on the utility's system. Supplementary power demand charges are subject to the limitations in IIB1.

#### 4. Back-up power

a. The back-up requirement shall be determined on a contractual basis. As long as the customer has been served for less than 12 months under this rule or draws on the back-up requirement 50% or less of the time averaged over the previous 12 months of service, the demand charge shall be assessed as the demand charge from the applicable rate schedule times 50% of the customer's back-up requirement.

b. Any customer who has been served under this schedule for at least 12 months and has drawn on the back-up requirement more than 50% of the time, on average, during the previous 12 months, shall be assessed 100% of the demand charge from the applicable rate schedule during the time that the back-up power is being used by the customer. At other times, the customer shall be assessed 50% of the demand charge from the applicable rate schedule.

All back-up demand charges are subject to the limitations in IIB1.

C. The utility shall reimburse the customer in the following manner:

#### 1. Payments for energy.

The total compensation to the customer shall be the relevant estimated avoidable energy costs or actual avoided energy costs as defined in the Definitions section and as specified in the various provisions of this rule. If the utility determines that purchases from the qualifying facility would result in costs greater than those which the utility would incur if it did not make such purchases, the utility may temporarily cease purchases from the qualifying facility with sufficient notice, as contractually determined.

Energy payments shall be adjusted for the following items if it can be reasonably expected that the customer's facility will produce, on the average, more than 100,000 kwh per month:

a. Line losses. The contract shall take into account the costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from the qualifying facility, if the utility generated or purchased an equivalent amount of energy.

b. Reasonable scheduling of maintenance at the convenience of the utility.

c. The availability of energy during system daily and seasonal peak periods.

d. The willingness of the customer to provide firm power during system emergencies.

e. The willingness of the customer to allow the utility to dispatch the customer's generated energy at any given time.

f. The historical or predicted reliability of the facility to provide power during the periods described in c through e, above.

g. The sanctions for noncompliance with any contract term.

#### 2. Payments for capacity.

Payments for capacity shall be made in any case in which the customer enters into a legally enforceable agreement to provide capacity that allows the utility to defer a capacity purchase from another source. The payment for the capacity purchase from the customer shall reflect the cost of the utility's alternate source of capacity purchase. A customer who is willing to enter into a legally enforceable contract to provide capacity for at least five years shall be eligible for payment of long-run incremental costs for generation on a prorated basis. The proration shall take into account the following items of information:

a. The length of the contract term.

b. Reasonable scheduling of maintenance.

c. The willingness and ability of the customer to provide firm power during system emergencies.

d. The willingness and ability of the customer to allow the utility to dispatch the customer's generated energy.

e. The willingness and ability of the customer to provide firm capacity during system peaks.

f. The sanctions for noncompliance with any contract term.

g. The date the facility first began providing capacity.

If the qualifying facility contributes to an aggregate capacity value to the utility and the utility is not otherwise purchasing capacity directly from the customer, the energy payments described in Option B, C1 shall be adjusted to reflect the facility's prorated share of any such aggregate capacity value.

Nothing in this rule excuses the utility from carrying out its responsibilities as described in Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) or in the rules promulgated pursuant to said Act.

In the event of an impasse in negotiations between the utility and the customer, either party may request a determination of the issue by the commission.

## **Department of Public Welfare Department of Health Department of Public Safety**

### **Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules**

Notice is hereby given that the Minnesota Department of Public Welfare (12 MCAR), the Minnesota Department of Health (7 MCAR) and the Minnesota Department of Public Safety (11 MCAR) are considering proposed amendments to those rules affecting their compensation plans and salary schedules.

If adopted, these rule changes will alter the salaries paid to those personnel in agencies under the jurisdiction of the Merit System which have not negotiated a compensation plan with a bargaining unit's exclusive representative. The jurisdiction of the Merit System includes most County Welfare Agencies and Human Services Boards, some County and Local Emergency Services Agencies, and some County and Local Public Health Agencies.

The proposed rule changes are:

#### **12 MCAR § 2.840**

#### **7 MCAR § 1.314**

#### **11 MCAR § 1.2140**

The Minnesota Department of Public Welfare, the Minnesota Department of Health, and the Minnesota Department of Public Safety are also considering proposed amendments to those rules affecting:

- (1) salary adjustments for 1981;
- (2) holidays.

If adopted, these rules will alter various personnel policies in agencies under the jurisdiction of the Merit System.

The proposed rule changes are:

#### **12 MCAR § 2.516 Salary adjustments and increases.**

B. Adjustments to be made in accordance with Merit System Official Compensation Plan.

#### **7 MCAR § 1.260 Salary adjustments and increases.**

B. Adjustments to be made in accordance with Merit System Official Compensation Plan.

#### **11 MCAR § 1.2116 Salary adjustments and increases.**

B. Adjustments to be made in accordance with Merit System Official Compensation Plan.

#### **12 MCAR § 2.504 Leaves of absence.**

B. Minimum policy.

7. Holidays.

#### **7 MCAR § 1.250 Leaves of absence.**

B. Minimum policy.

7. Holidays.

Additionally, the Minnesota Department of Public Welfare and the Minnesota Department of Health are considering proposed amendments to those rules affecting their position classification specifications.

## OFFICIAL NOTICES

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If adopted, these rule changes will create new position classifications and will alter existing position classification specifications under the jurisdiction of the Merit System.

The proposed rule creating a new class is:

### **12 MCAR § 2.706 Child Health Aide.**

The proposed rules altering existing position classification specifications are:

### **12 MCAR § 2.650 Sanitarian I.**

### **7 MCAR § 1.270 Sanitarian I.**

The proposed repeal of the following rule in its entirety also is proposed:

### **12 MCAR § 2.544 Director of Assessment Systems.**

All interested or affected persons are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Ralph W. Corey, Supervisor  
Minnesota Merit System  
Fourth Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155

Oral statement of information and comment will be received during regular business hours over the telephone at (612) 296-3996.

All statements of information and comment must be received by September 1, 1980. Any written material received by the department shall become part of the hearing record.

Under the provisions of Minn. Stat. § 10A.01 subd. 11 (1974) any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules and amendments, must register with the Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The Ethical Practices Board is located at Room 41, State Office Building, St. Paul, Minnesota 55155.

## Department of Public Welfare

### Support Services Bureau

### **Notice Of Intent To Solicit Outside Opinion Concerning Revision of Rules Governing Licensure Of Child-caring Institutions and Group Homes For Children**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.005; Standards for child-caring institutions.

This rule governs the licensure of residential facilities that engage in the provision of care and treatment for emotionally disturbed children.

Authority for this rule is contained in Minn. Stat. §§ 245.783; 256.01, subd. 2; and 257.175.

The proposed changes would merge existing DPW Rules 5, Standards for Child-Caring Institutions, and 8, Standards for Group Homes, and may include revisions or deletions of portions of the existing rules as well as specific additions governing program administration, staffing requirements, physical environment of facilities, resident rights and services.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be made addressed to:

Thomas Eberhart, Supervisor  
Residential Licensing  
Division of Licensing  
Department of Public Welfare  
Centennial Office Building  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2075.

All statements of information and comment must be received by October 31, 1980. Any written material received by the Department shall become part of the hearing record.

## Office of the Secretary of State

### Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-2805. **Application deadline is Tuesday, September 2, 1980.**

**Hazardous Waste Management Planning Council** has 12 positions open immediately for 4 public members, 4 representatives of local government units, and 4 representatives of hazardous waste generators and private hazardous waste management firms. The council will make recommendations to the Waste Management Board on planning and siting of hazardous waste processing and disposal facilities. Members are appointed by the chairperson of the Waste Management Board. Meetings twice monthly in St. Paul; members are compensated for expenses. For specific information, contact Robert Dunn, chairperson, Waste Management Board, 506 Rice St., St. Paul 55103; (612) 297-3285.

**Solid Waste Management Advisory Council** has 12 positions open immediately for 4 public members, 4 representatives of local government units, and 4 representatives of private solid waste management firms. At least one member must be experienced in each of the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. The council makes recommendations to the Waste Management Board on its solid waste management activities. Members are appointed by the chairperson of the Waste Management Board. Meetings twice monthly in St. Paul; members are compensated for expenses. For specific information, contact Robert Dunn, chairperson, Waste Management Board, 506 Rice St., St. Paul 55103; (612) 297-3285.

**Metropolitan Parks and Open Space Commission** has one position open immediately for a public member. The commission assists the metropolitan council in acquiring and developing regional parks and open space facilities. Members, appointed by the metropolitan council, may not be members of the metropolitan council or any other metropolitan agency, and may not hold judicial office. Meetings twice monthly in St. Paul; members receive \$50 per diem. For specific information, contact Metropolitan Parks and Open Space Commission, 300 Metro Square Bldg., St. Paul 55101; (612) 291-6401.

**Board for Community Colleges** has one position open immediately for a public member. The board sets rules and policies for the management of the state community college system. Members are appointed by the governor and confirmed by the senate. Monthly meetings alternate between St. Paul and various community college campuses. For specific information contact Board for Community Colleges, 301 Capitol Square Bldg., St. Paul 55101; (612) 296-3356.

**Crime Control Planning Board** has one position open immediately for a public member. The board provides comprehensive planning for the improvement of crime control, and administers the Omnibus Crime Control and Safe Streets Act and Juvenile Justice and Delinquency Prevention Act. Monthly meetings; members receive \$35 per diem plus expenses. For specific information, contact Crime Control Planning Board, 444 Lafayette Rd., St. Paul 55101; (612) 296-3133.

**Power Plant Siting Committee** has 25 positions open immediately. The committee makes recommendations to the Environmental Quality Board on siting electrical generating plants, alternative methods of generating power, and use of existing rights of way for high voltage transmission lines. Members are appointed by the Environmental Quality Board; 6-8 meetings per year; members are compensated for expenses. For specific information, contact Environmental Quality Board, 550 Cedar, St. Paul 55101; (612) 296-2757.

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

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