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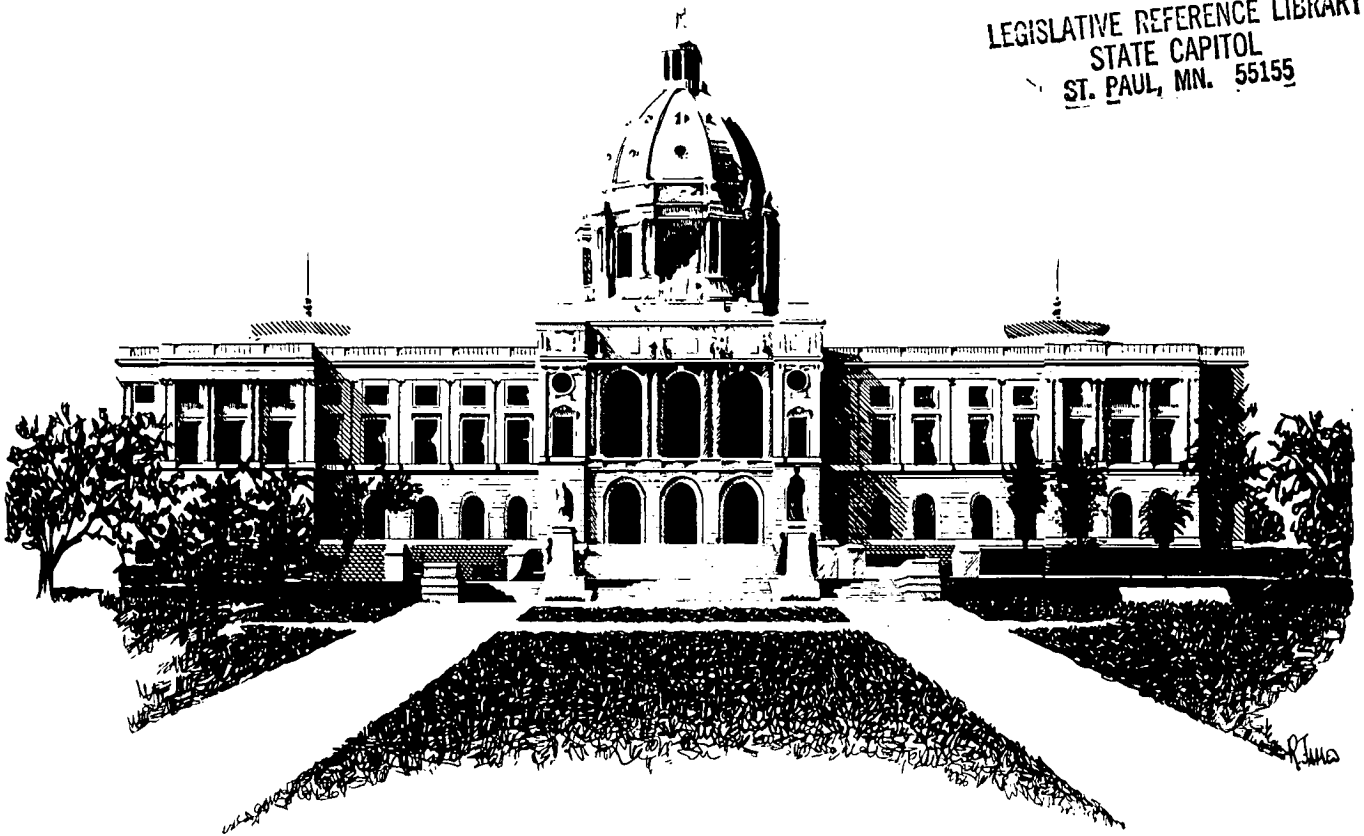
STATE REGISTER

STATE OF MINNESOTA

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VOLUME 6, NUMBER 21

November 23, 1981

Pages 1001-1040



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 6			
22	Monday Nov 16	Friday Nov 20	Monday Nov 30
23	Friday Nov 20	Monday Nov 30	Monday Dec 7
24	Monday Nov 30	Monday Dec 7	Monday Dec 14
25	Monday Dec 7	Monday Dec 14	Monday Dec 21

*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 and notices of intent to adopt rules without a public hearing 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, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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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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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:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A 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

Issues 14-25, inclusive

Issue 26, cumulative for 1-26

Issue 27-38, inclusive

Issue 39, cumulative for 1-39

Issues 40-51, inclusive

Issue 52, cumulative for 1-52

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PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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.

Department of Agriculture Food Inspection Division

Proposed Repeal of Rules Governing the Minnesota Certified Quality Egg Program

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the department proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed repeal of the rules.

Unless seven or more persons submit written requests for a public hearing on the proposed repeal within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subdivisions 4-4f (1980).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486. If a public hearing is requested, identification of the particular objection to the repeal, and the reasons or data relied on to support the objection is desired.

Authority to adopt or repeal these rules is contained in Minnesota Statutes § 29.27. Additionally, a statement of need and reasonableness that describes the need and reasonableness of the proposed repeal and identifies the data and information relied upon to support the proposed repeal has been prepared and is available upon request from: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Upon repeal of the rule without a public hearing, the rules as repealed, this notice, the statement of need and reasonableness, and all written comments received will be delivered to the Attorney General for review. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such request to Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Please be advised that Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Bldg., St. Paul, MN 55155, (612) 296-5615.

Copies of this notice are available and may be obtained by contacting Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

November 9, 1981

Mark W. Seetin
Commissioner of Agriculture

Rule as Proposed

Repealer. Rules Agr 434-457 are repealed.

Minnesota Housing Finance Agency**Proposed Temporary Rules Governing Income Limits for the Home Improvement Loan Program****Request for Public Comment**

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Home Improvement Loan Program, pursuant to Laws of 1981, ch. 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule 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 temporary rule.

November 12, 1981

James J. Solem
Executive Director

Temporary Rule as Proposed

12 MCAR § 3.002 O. (Temporary) "Persons and families of low and moderate income" means:

1-3. [Unchanged.]

4. with respect to home improvement loans and accessibility improvement assistance pursuant to Chapter Six of these rules, those persons and families whose adjusted income does not exceed ~~\$18,000~~ \$24,000 or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

**Department of Public Safety
Driver and Vehicle Services Division****Proposed Rules Governing Requirements for Commercial Driver Training Vehicles,
Instruction, Instructor and School Licensing****Notice of Intent to Adopt Rules without a Hearing**

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications is desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to:

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. §§ 171.33-171.41. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist 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* 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. The statute provides certain exceptions. Question should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes § 15.0412, subdivision 7.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed

~~Drive Lic 31~~ 11 MCAR § 1.4031 Purpose and scope.

(a) A. Purpose. The purpose of ~~this regulation~~ 11 MCAR §§ 1.4031-1.4038 is to carry out the mandate of the Legislature and to effectuate that mandate as set forth in ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. §§ 171.33-171.41 with respect to the regulation and licensing of commercial driver training schools and instructors.

(b) B. Scope. The scope of ~~this regulation~~ 11 MCAR §§ 1.4031-1.4038 is intended to be confined within the framework of and consistent with ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. §§ 171.33-171.41.

~~Drive Lic 32~~ 11 MCAR § 1.4032 Definitions. For the purposes of ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038, the terms "commercial driver training school," "instructor," and "commissioner" shall have the same ~~meaning~~ meanings given them in ~~Laws of Minnesota 1967, Chapter 880, Section 1, Subdivisions 1 through 3~~ Minn. Stat. § 171.33. "Motorcycle," "truck-tractor," "truck," "school bus," "bus," "trailer," "semi-trailer," "driver" and "street or highway" shall have the respective meanings given them in ~~Minnesota Statutes 1965, Chapter 169~~ Minn. Stat. § 169.01.

(a) A. Location. "Location" means a designated site at which the business of a commercial driver training school is transacted and its records are kept.

(b) B. Lesson. "Lesson" means a continuous period of time during which instruction is given in the proper operation of a motor vehicle, whether by lecture, tutoring, practice driving or otherwise. A one (~~1~~) hour lesson shall mean one (~~1~~) hour of actual instruction.

~~Drive Lic 33~~ 11 MCAR § 1.4033 Driver training vehicle requirements.

(a) A. Safety standards and equipment; exemptions. Each vehicle used for driver training instruction shall comply with all federal and state motor vehicle safety standards for the model year of the vehicle, and shall have the following equipment:

(~~1~~) 1. Dual control brakes;

(~~2~~) 2. Dual control clutch pedal, where applicable;

(~~3~~) 3. Outside rearview mirror on both sides of the vehicle; in addition a parabolic mirror not less than five inches in diameter on each side of trucks and truck-tractors.

~~(4)~~ 4. padded dashboard and Sunvisors, on all new vehicles purchased or leased after January 1, 1968, for both the driver and the passenger.

~~(5)~~ 5. Windshield washers, wipers, and defroster;

~~(6)~~ 6. Seat belts for each occupant of the vehicle.

7. Tandem drive axles for all truck-tractors and tandem axles for all semi-trailers.

8. Because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck-tractors are exempt from the requirement of dual control brakes and clutch pedal. Buses are exempt from the seat belt requirement.

~~(b)~~ B. Vehicle age; exemption. Except as otherwise provided in this paragraph, vehicles may not be used for driver training purposes which are may not be more than four (4) model years old. Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, buses, trucks and truck-tractors may not be more than ten model years old. Semi-trailers are exempt from the age limitation but must pass the required vehicle inspection.

~~(c)~~ C. Vehicle list. A list of vehicles used for driver training shall be maintained and filed with the commissioner. If any vehicle is leased for driver training purposes, a copy of the lease agreement must also be submitted to the Commissioner by the lessee. It shall be the responsibility of the commercial driver training school to keep the vehicle list and the file of lease agreements current at all times by submitting additions, deletions or revisions to the commissioner within ten (10) days from the date such changes occur. However, Additional or replacement vehicles may be used for driver training purposes only after compliance complying with SafAd 33(e) E.

~~(d)~~ D. Vehicles, Marking. While being used for driving instruction, all vehicles must have signs conspicuously displayed conspicuously thereon signs on front and rear, with background and letters of contrasting colors stating "Student Driver"; with lettering at least two (2) but not more than five (5) inches in height. On vehicles used for Class C driver training, the lettering shall be at least two but not more than five inches in height. On vehicles used for Class A and Class B driver training, the lettering shall be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

~~(e)~~ E. Inspections. All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every six (6) 12 months thereafter at a station(s) station designated by the commissioner. No new vehicle may be used for driver training purposes until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. Subsequent Additional inspections shall may be conducted upon request from requested by the commissioner and. The inspection form must be filed by the vehicle owner within thirty (30) 30 days of the due date or use of the vehicle for driver training purposes discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements.

F. Commercial use. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that:

1. A maximum of 50 percent of the total observation hours are to be devoted to commercial purposes;

2. All use for commercial purposes will take place during the last 50 percent of the total training program; and

3. Hazardous materials will not be transported. For the purposes of this paragraph hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials and industrial waste products.

~~Drive~~ 11 MCAR § 1.4034 Driver training instruction requirements.

~~(a)~~ A. Curriculum. The curriculum of classroom and behind the wheel instruction must be submitted to and approved by the commissioner for his approval. Instruction must meet the minimum requirements of any federal standards that are or may be established regarding length of lessons or methods of instruction.

1. Schools offering Class A and Class B driver training must have a concurrent program consisting of at least 40 hours of

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classroom training, 60 hours of behind the wheel training and 60 hours of observation time for each student who takes training in a Class A vehicle. In addition, the schools may have a program which provides hourly training to increase the proficiency of persons who already know how to operate a Class A vehicle.

2. Bus driver training may not be given in a van or van type vehicle but must be given in a vehicle designed to carry more than sixteen passengers and to transport them for compensation.

3. Training to operate a Class A type vehicle may not be given in a pick-up and trailer combination type vehicle but must be given in a vehicle which conforms to 11 MCAR § 1.4033 A.7. whose capacity is no less than 10,000 pounds.

4. Classroom training may be offered a student no more than three hours a day.

5. Behind the wheel training may be offered a student no more than two hours a day.

6. Commercial driver training schools are not subject to the above limitations when providing truck driver training but are limited to a total of eight hours training a day.

7. Class A driver training may not be offered to any student who is not at least 18 years of age and in possession of at least a Class C license. Class B driver training may not be offered to any student who is not at least 16 years of age and in possession of at least a Class C license.

~~(b)~~ B. Behind the wheel instruction.

~~(1)~~ 1. Instruction may be provided offered on machines which simulate driving conditions only when the use of such machines have been specifically approved simulators and driving ranges as part of the curriculum for behind the wheel training by the Commissioner. The ratio of simulation and range time to on-street time and the minimum on-street driving time provided by multi-phase programs shall be consistent with public and private school programs, but there shall be no less than four hours of simulation to one on the street and no less than two hours of range time to one on the street. Total on-street time provided by a four-phase program may not be less than three hours.

~~(2)~~ 2. Instruction shall not be given on roadways or actual routes used for state driver license road tests.

~~(3)~~ 3. Instructors shall ensure that seat belts are used at all times by all persons while instruction is being given behind the wheel of a motor vehicle in the vehicle.

~~(4)~~ 4. Instructors shall ensure that the student is in possession of a valid Minnesota driver instruction permit or driver license prior to giving behind the wheel instruction from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

~~(5)~~ 5. Instructors must accompany applicants appearing for the state driver license road test whenever a driver training vehicle used for behind the wheel driver training purposes is to be used. The instructor must be employed by the commercial driver training school that owns or leases the vehicle.

~~(6)~~ 6. Instruction for commercial vehicles may be given only by those instructors holding in possession of a valid and properly endorsed Minnesota driver license and an instructor's license applicable to the type of vehicle for which instruction is being given (chauffeur's license, school bus driver license, etc.).

~~(7)~~ Instructors must carry a valid Minnesota driver license at all times while behind the wheel instruction is being conducted.

~~(8)~~ 7. Instructors or commercial driver training schools shall not discourage students from practicing outside the school instruction course when permissible according to law.

8. Except for the training offered in Class A and B vehicles, neither a commercial school nor an instructor may give a student more than 20 hours of behind the wheel training without the written authorization of the commissioner.

~~(c)~~ C. Instruction of students under eighteen (18) 18 years of age.

~~(1)~~ 1. Commercial schools or and instructors must provide driver training students under eighteen (18) 18 years of age a minimum of thirty (30) 30 hours of approved classroom instruction and a minimum of six (6) hours of actual behind the wheel instruction.

~~(2)~~ 2. Behind the wheel instruction shall not be given until a written statement certifying satisfactory completion of classroom instruction has been provided to the commercial driver training school by the student. An authorized school operator or instructor may then complete a certificate of enrollment indicating when behind the wheel instruction will begin. The student

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must present this certificate to the Minnesota driver license examiner when applying for a State driver an instruction permit, which must be obtained before ~~commencement of~~ commencing behind the wheel instruction.

(3) 3. When the student has received his Minnesota driver instruction permit and satisfactorily completed the behind the wheel instruction has been satisfactorily completed, the authorized school operator or instructor shall furnish him the student a certificate of completion to that effect.

(4) 4. If the student is under ~~eighteen (18)~~ 16 years of age and fails to continue or successfully complete the driver education course, including behind the wheel instruction, the authorized school operator or instructor shall immediately notify the ~~Office of Driver License~~, Minnesota Department of Public Safety, Driver and Vehicle Services Division.

~~Driver License~~ 11 MCAR § 1.4035 Driver training instructor requirements. An applicant for an instructor license must:

(a) A. Be a resident of Minnesota for at least one (1) year immediately preceding the date of application.

(b) B. Be at least ~~twenty-one (21)~~ 21 years of age.

(c) C. Have been a licensed driver for three (3) years, have a valid Minnesota driver license, be free from the requirement to show proof of insurance coverage under the Safety Responsibility Act and have a satisfactory driving record free from any convictions which could be the basis for the suspension or revocation of an instructor license as set forth in this rule and regulation 11 MCAR §§ 1.4031-1.4038. The applicant must submit with his application a certified copy of his driving record dated not earlier than ~~thirty (30)~~ 30 days prior to the receipt of the application by the commissioner. The driving record must be free of any suspensions, revocations or cancellations as a result of violations, accidents, failure to show proper insurance or to pay fines or to comply with a department request for the previous five year period.

D. Have a minimum of 50 clock hours of cycle riding experience to be a motorcycle instructor.

(d) E. Be in good physical and mental health and submit a complete physical examination report (on forms provided by the commissioner) at the time of initial application and thereafter when requested by the commissioner. The report must be signed by a doctor of medicine licensed to practice in the State of Minnesota and submitted not later than ~~thirty (30)~~ 30 days following the examination.

(e) F. Have normal peripheral vision and visual acuity of not less than ~~twenty/forty (20/40 in each eye)~~ 20/40 corrected. Instructors qualifying for classroom instruction are required to meet only those visual requirements necessary to be a licensed driver.

(f) G. Shall not have been convicted of a ~~crime or an offense of State or local law, wherein said conviction involves moral turpitude~~ gross misdemeanor or a felony.

(g) H. Furnish the commissioner ~~two (2) sets of photographs and fingerprints~~ with one photograph and authorize an investigation to determine if the applicant has a criminal record.

(h) I. Have a minimum of a high school education or ~~an equivalency certification obtained as the result of the equivalent~~, such as passing the Armed Forces test or General Education Development tests.

(i) J. Have satisfactorily completed a an 80 hour course, or 40 hours for teachers licensed by the Department of Education, of driver and traffic safety education, or pass an equivalency text, which is approved or supervised by the Minnesota Department of Public Safety. In addition, motorcycle instructors must have had ten hours of motorcycle instructor training. Licensed instructors shall be required to complete driver and traffic safety education courses periodically when these courses are approved or supervised by the Minnesota Department of Public Safety. Courses will be held at such times as to create the least inconvenience to the instructors and shall not exceed one complete course a year. Simulator instructors shall have completed a course in simulation approved by the commissioner as having met standards of the Department of Education.

(j) K. Pass a written and driver training road test which shall be developed and administered by the commissioner through his authorized representative. Such tests shall include: operation of a motor vehicle, traffic laws, road signs, rules ~~and regulations~~ and other material pertaining to and affecting the driver, traffic, motor vehicle and methods of teaching. (Applicants who fail the section of this test which is considered the equivalent of the State driver license examination road test portion will be reported to the ~~Driver License Director~~ commissioner and may be required to pass the regular Minnesota driver license

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examination). An applicant who fails on two ~~(2)~~ occasions to pass the driver training instructor examination is not entitled thereafter to take the examination for a period of one ~~(1)~~ year. The commissioner may periodically require licensed instructors to submit to a re-examination, consisting of all, or any part, of the tests specified in this ~~section~~ rule, or a review of the instructor's teaching methods and ability while actually giving student instruction.

~~(d)~~ L. Comply with insurance and safety requirements as set forth in ~~DrivLic 36(a) paragraphs (1) and (2)~~ 11 MCAR § 1.4036 A.1. and 2., if he owns or provides the vehicle to be used for the purposes of commercial driver training instruction. In the event said insurance is cancelled, the instructor license certificate shall terminate automatically and must be surrendered to the commissioner within ten ~~(10)~~ days unless the vehicle is immediately removed from the school's approved list (as filed with the commissioner) and other training vehicle arrangements are made for the instructor wherein all insurance requirements are satisfied. An instructor license terminated under the provisions of this ~~section~~ rule will be reinstated in the event the instructor obtains adequate insurance coverage and notifies the Minnesota Department of Public Safety of that fact or when other training vehicle arrangements are verified by the school.

~~DrivLic 36~~ 11 MCAR § 1.4036 Commercial driver training school requirements.

~~(a)~~ A. Insurance and safety.

~~(1)~~ 1. The licensee shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in the State of Minnesota in the amounts of at least ~~one hundred thousand dollars (\$100,000.00)~~ \$100,000 because of bodily injury to, or death of, any one ~~(1)~~ person in any one ~~(1)~~ accident; at least ~~three hundred thousand dollars (\$300,000.00)~~ \$300,000 because of bodily injury to, or death of, two ~~(2)~~ or more persons in any one ~~(1)~~ accident; at least ~~ten thousand dollars (\$10,000.00)~~ \$50,000 because of damage to, or destruction of, property of others in any one ~~(1)~~ accident; at least ~~two thousand dollars (\$2,000.00)~~ \$20,000 for medical expenses ~~regardless of liability~~; and at least the minimum amount of uninsured motorist coverage.

~~(2)~~ 2. The licensee shall furnish evidence of such coverage to the commissioner stipulating that such insurance may not be cancelled or terminated, except upon ten ~~(10)~~ days' prior written notice to the commissioner.

~~(3)~~ 3. ~~In the event said~~ If the insurance is cancelled, the school license certificate shall terminate automatically. All vehicles used in the operation of the school may not thereafter be used for school purposes, ~~except in the event unless the school obtains adequate insurance coverage and said license is reinstated, notifies the commissioner of the coverage and the commissioner notifies the school in writing that the license has been reinstated.~~ When vehicle insurance is provided by the instructor or lessor and it is cancelled the ~~vehicle(s)~~ vehicle must immediately be removed from the school's approved list (as filed with the commissioner) or the school license certificate will terminate automatically. School certificates terminated under provisions of this ~~section~~ paragraph must be surrendered to the commissioner within ten ~~(10)~~ days.

~~(4)~~ 4. The commercial driver training school owner or operator, except those that provide the training before collecting the fee, shall secure and submit with the application a continuous surety company bond in the principal sum of ~~two thousand five hundred dollars (\$2,500.00)~~ \$10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the State of Minnesota. The aggregate liability of the surety for all breaches of the bond shall ~~in no event not~~ exceed the principal sum of ~~two thousand five hundred dollars (\$2,500.00)~~ \$10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The concerned surety company may cancel said bond upon giving ~~thirty (30)~~ 30 days' written notice thereof to the commissioner. The surety company shall be relieved of all liability for any breach of any condition of the bond occurring after the effective date of cancellation.

~~(b)~~ B. Location of business.

~~(1)~~ 1. No license shall be issued ~~in municipalities over fifty thousand (50,000) population~~ if the place of business, or branch office is within ~~six hundred (600)~~ 600 feet of any ~~public or private high school or within one thousand (1,000) feet of a building where any part of the driver license examination is being administered or the location where State driver license road tests are being conducted.~~ In municipalities with a population under fifty thousand (50,000) both restricted distances shall be six hundred (600) feet. However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location where business was being conducted ~~on or before January 1, 1967~~ the driver license examination station was established.

~~(2)~~ 2. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel trailer, a room or rooms in a hotel or through the exclusive facilities of a telephone answering service.

~~(3)~~ 3. Commercial driver training schools shall be located in a ~~building or portion thereof that is devoted to non-residential use building.~~ However, this shall not apply to compel the discontinuance of a licensed commercial school not meeting this requirement as of the date of the adoption of this rule. If the school is moved to a new location or enlarged through

the establishment of a branch office or if the commercial school is sold, the provisions of any new license issued shall require the licensee to be in conformance with B.

4. Commercial driver training schools offering Class A, Class B, or Class A and Class B training must provide a paved driving range of at least 90,000 square feet. If more than two motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

(4) 5. A commercial driver training school may not change its location without prior approval of the commissioner.

(5) 6. The location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon it, readable from a distance of at least one hundred (100) feet.

(6) 7. The location of the school's principal place of business and branch office must have adequate office facilities, equipment and available classrooms of at least 300 square feet to meet the approval of the commissioner.

(e) C. Business records. The following business records to must be maintained:

(1) 1. Instruction record. A permanently bound book (with consecutively numbered pages) to record, in ink, for every person given lessons of any kind or any other services relating to classroom or behind the wheel instruction in the operation of a motor vehicle, name, address, date of birth, contract number, and date of first lesson and type of lessons and their completion dates.

(2) 2. Contract file. A file containing the original and subsequent contracts or renewal agreements entered into between the school and every person receiving lessons, instruction or other services relating to the operation of a motor vehicle.

(3) 3. Vehicle file. A current list of all vehicles used by the school for driver training purposes showing date and location of the most recent inspection; including a copy of vehicle lease agreements if applicable.

(4) 4. The records described in paragraphs (e)(1), (2) and (3) above, 1., 2. and 3. shall be maintained in a business-like manner. Corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used. The records shall be retained for a period of three (3) years after termination of instruction to the student by the school during which period they shall be subject to the inspection of the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation or destruction of records which the school is herein required to maintain must be reported immediately to the commissioner by affidavit, stating the date such records were lost, destroyed or mutilated; the circumstances involving such loss, destruction or mutilation; the names of the law enforcement officer or fire department official to whom such loss was reported; and the date of such report.

(d) D. Advertising. Commercial driver training schools shall not:

(1) 1. Publish, advertise or intimate that a driver license is guaranteed or assured, nor shall free lessons be advertised.

(2) ~~Publicly advertise that driver license or motor vehicle license plate applications are accepted or that such licenses are issued at the school's principal place of business or at a licensed branch office.~~

(3) 2. Duplicate or reproduce (in whole or in part), for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, Office of Driver License and Vehicle Services Division. Licensed commercial driver training schools may use in their advertising or on forms, contracts, ~~etc.~~ and other materials, the phrase "This school is licensed by the State of Minnesota."

(4) 3. Use the word "state" in any sign or other medium of advertising, except as permitted in ~~paragraph (d)(3), above~~ 2.

(5) 4. Advertise or intimate that an instructor or commercial driver training school license encompasses ~~certification~~ licensing by the Minnesota Department of Education.

(6) 5. Advertise the address of any location other than the licensed principal place of business or a licensed branch office.

(7) 6. Distribute any advertising material within ~~six hundred (600)~~ 600 feet of any public or private high school or ~~within one thousand (1,000) feet of a driver license examination station in municipalities over fifty thousand (50,000) population. In~~

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~~municipalities with a population under fifty thousand (50,000) both restricted distances shall be six hundred (600) feet.~~ This restriction shall not be construed to prohibit commercial driver training school instructors from appearing at driver test locations operated by the Department of Public Safety, ~~Office of Driver License and Vehicle Services Division~~, with students who are scheduled for an examination, in vehicles of the commercial driver training school upon which appear signs or identification which may be required or are authorized in accordance with ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038.

~~(e)~~ E. Agreements and contracts.

~~(1)~~ 1. All contracts between schools and students shall be on a form approved by the commissioner.

~~(2)~~ 2. A person shall not be given lessons, or any other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

~~(3)~~ 3. Each school must file and maintain with the commissioner a list of those persons authorized on behalf of the school to execute contracts or renewal agreements, certificates of enrollment and completion. A complete signature record form must be filed with the commissioner for each person authorized to sign the above listed documents for the school.

~~(4)~~ 4. No school shall represent or agree (orally, in writing, or as part of an inducement to sign a contract or enroll for lessons) to give instruction until a driver license is obtained, to offer premiums or provide discounts if a driver license is not obtained.

~~(5)~~ 5. A contract shall be limited to a maximum of ten ~~(10)~~ hours of behind the wheel instruction ~~and~~, except for Class A or Class B truck driver training courses which are provided for in 6. A contract shall be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for behind the wheel instruction the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

6. A contract for a review course in a Class A or Class B vehicle shall be limited to 20 hours of behind the wheel instruction. Contracts for complete training courses in Class A vehicles shall state that at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a Class A training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the school shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

~~(6)~~ 7. Contracts shall not contain the term "No Refund."

~~(F)~~ F. Conduct with employees of the Minnesota Department of Public Safety. The owner, operator, partner, officer or authorized representative of a commercial driver training school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Minnesota Department of Public Safety with respect to the licensing of any student of the school, or any other person; nor imply to ~~their~~ his students or any other person, for any purpose, that ~~they~~ he can influence, in any way, driver license examiners, or other employees of the Minnesota Department of Public Safety.

~~Driver Lic 37~~ 11 MCAR § 1.4037 Licensing provisions.

~~(a)~~ A. Legal requirements. The issuance of all licenses will be subject to the applicant's conformance with Laws of Minnesota 1967, Chapter 880 Minn. Stat. §§ 171.33-171.41 and all provisions of ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038.

~~(b)~~ B. Training school application; duplicate license. Application for a commercial driver training school or instructor license must be made on forms prescribed by the commissioner. All owners, partners, corporate directors or officers shall be named, with their titles, on each school application, which shall be signed by one of the corporate officers ~~and acknowledged before a Notary Public.~~ Commercial driver training school applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee, provided that such charges in the fee schedules are filed with the commissioner at least ten ~~(10)~~ days before they become effective. If the school changes location or the license is lost within the licensing year, a duplicate school license may be issued by the commissioner. The fee for issuance of each duplicate school license is \$25.

~~(c)~~ C. Instructor application; duplicate license. The application for an instructor license must be signed by the commercial driver training school licensee, when applicable, by whom he is employed or to be employed. The license shall be valid only while the instructor is in the employment of such licensee. When the employment of an instructor is terminated with such licensee, the license of the instructor ~~will~~ shall be deemed invalid and must be surrendered to the commissioner within ten ~~(10)~~ days. The school shall notify the commissioner in writing within five ~~(5)~~ days of such termination. A duplicate license shall be issued by the commissioner for employment at another licensed school provided the applicant continues to be qualified hereunder. The fee for the issuance of a duplicate instructor license will be ~~one dollar (\$1.00)~~ \$5.

(d) D. License not transferable. The license of a commercial driver training school shall not be transferable. In the event of a change of ownership, application for a new license ~~will~~ shall be required in the same manner as required for original license.

(e) E. Display of license.

(1) 1. The license to operate a commercial driver training school shall be displayed in a conspicuous location in the licensee's principal place of business and each branch office.

(2) 2. An instructor shall display the instructor's license in the vehicle in which ~~he~~ the instructor is instructing while giving instructions and shall produce this license upon request by a peace officer, an authorized representative of the Department of Public Safety or by an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

(f) F. Replacement of license. ~~In the event~~ If the instructor license is lost, mutilated or destroyed a duplicate will be issued upon proof of the facts and payment of a ~~one dollar (\$1.00)~~ \$5 fee and, in the case of mutilation, upon surrender of such mutilated license. Proof that a license has been lost or destroyed shall be submitted in the form of an affidavit stating:

(1) the date the license was lost or destroyed and

(2) the circumstances involving the loss or destruction of the license.

(g) G. Renewal of license. Applications for renewal of licenses must be submitted to the commissioner at least ten ~~(10)~~ days prior to expiration but will not be accepted more than ~~thirty (30)~~ 30 days prior to the expiration date.

(h) H. Suspension and revocation of license. The license of a commercial driver training school or instructor may be revoked, suspended or a renewal refused under any of the following conditions:

(1) 1. Whenever the licensee permitted fraud or engaged in fraudulent practices with reference to his license application or in the operation of the school or the conduct of his employment.

(2) 2. Whenever the commercial driver training school or instructor induces or countenances fraud or fraudulent practices on the part of any applicant for a driver license or instruction permit.

(3) 3. Whenever a commercial driver training school or an instructor advertises or implies that a driver license or instruction permit is guaranteed upon completion of the course of instruction.

(4) 4. Whenever the licensee is convicted of a crime, or of an offense which would be grounds for the revocation, suspension or cancellation of his driver license. Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of such circumstances. After a hearing the commissioner shall notify the licensee of his decision within ~~thirty (30)~~ 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner with ten ~~(10)~~ days. Failure to notify the commissioiner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

(5) 5. Whenever instruction is given to a person who does not have a valid ~~Minnesota~~ instruction permit or driver license in his or her possession.

(6) 6. Whenever a certificate of enrollment or completion is signed by an authorized school operator or instructor and information on the certificate is false.

(7) 7. Whenever there is evidence that intoxicating beverages were present or consumed on the school premises or in its training vehicles.

(8) 8. Whenever a student is overcharged, or the student is encouraged to continue indefinite instructions beyond the point ~~where in the opinion of the instructor he~~ the student is capable of passing the driver license examination or it can easily be determined that the student, for one reason or another, could never pass the examination. Any question about the competency of the student or the number of hours of instruction shall be referred in writing to the commissioner or his agent for clarification.

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PROPOSED RULES

9. Whenever the commercial driver training school or instructor fails to comply with any of the rules established for the operation of commercial driver training schools and the training of students.

10. Whenever the instructor, the school or both fail to keep or are late for appointments repeatedly or without good reason.

11. Whenever the school, the instructor or both delay the start or completion of training.

12. Whenever the school, the instructor or both absent a student from school for training during school hours without school approval.

13. Whenever a school or instructor conducts business in a way that substantially departs from commonly accepted practices as used by other driver training schools and instructors.

(4) 1. Fees payable to commissioner. All fees for original, renewal, duplicate and replacement licenses shall be in the form of a money order or certified check made payable to the "Commissioner of Public Safety".

~~Driv Lic 38~~ 11 MCAR § 1.4038 Exemption.

(a) A. Conditions for limited operations. An applicant for a license to operate a commercial driver training school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

(1) Where the need arises, the Commissioner may license instructors operating independently as behind the wheel instructors only, if there is no commercial driver training school licensed in accordance with the provisions of Laws of Minnesota 1967, Chapter 880 within twenty (20) miles of the municipality where such instruction is given and the instructors qualify by their experience and training.

1. The commercial driver training school must have been in operation on the effective date of 11 MCAR §§ 1.4031-1.4038, but not providing classroom instruction.

(2) If 2. The applicant complies with all other requirements of this rule and regulation as it applies 11 MCAR §§ 1.4031-1.4038 as they apply to persons engaged in operation of a school conducting driver training instruction for a fee, or instructing for a fee.

(b) A license to operate a commercial driver training school or an instructor license to conduct behind the wheel instruction only shall be void and must be surrendered within ten (10) days after termination of the active participation of the individual or firm in the business of teaching driver training for a fee. The licensee cannot enlarge his school operations by employing additional instructors unless he provides approved classroom instruction and facilities.

B. New license required. On and after the effective date of 11 MCAR §§ 1.4031-1.4038, a licensee exempt under A. from providing classroom instruction and office space may not enlarge the school operations, employ additional instructors, relocate, sell, or make any corporate, business or other operational changes without obtaining a new license and complying with the provisions of 11 MCAR §§ 1.4031-1.4038.

Small Business Finance Agency

Proposed Rules Relating to Amendment of Rules Regarding the Making of Business Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Small Business Finance Agency proposed to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980), as amended.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, § 15.0412, subdivisions 4-4f. If a public hearing is requested, identification of the particular

objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

M. Jean Laubach
Executive Director
Small Business Finance Agency
480 Cedar Street
St. Paul, Minnesota 55101
(612) 297-3547

Authority for the adoption of these rules is contained in Minn. Stat. § 362.53, subd. 4 (1980), as amended. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Ms. Laubach upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Ms. Laubach.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Ms. Laubach.

Please be advised that Minn. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) 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 \$250.00, 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 \$250.00, 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, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Kent E. Eklund, Vice Chairman
Minnesota Small Business Finance Agency

Rule as Proposed

4 MCAR § 14.021 Application procedures.

A. Submission of application. The owner shall submit to the agency copies of the completed application upon the forms provided by the agency.

B. Deficiencies in application. Application shall be deemed to have been made upon receipt by the agency of a completed application with all required documentation and exhibits, together with the required fee specified in the application forms. In the event that an incomplete application is received, the executive director shall notify the applicant specifying the deficiencies. The applicant shall have 60 days from the date of the executive director's notification to complete such application. If the application is not completed within 60 days, the application shall be deemed to be rejected and the applicant must reapply to be further considered. In the event the executive director is able to determine from the information submitted on an incomplete application that the applicant is not an owner or the proceeds of the requested business loan are intended to finance expenditures not permitted under the act, the executive director shall so notify the applicant.

C. Review by executive director. Upon receiving a completed application, the executive director shall review the application and shall make a determination as to whether the applicant is an owner as defined in the act or the proceeds of the requested business loan are intended to finance expenditures permitted under the act.

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PROPOSED RULES

D. Capital expenditures eligible for funding. Costs eligible for funding are the capital expenditures set forth in the act, including the following:

1. land and/or building acquisition costs,
2. site preparation,
3. construction costs,
4. engineering costs,
5. equipment and/or machinery,
6. bond issuance costs,
7. underwriting or placement fees,
8. initial trustee's fee,
9. initial fee of guarantor or insurer, if applicable,
10. Small Business Administration processing and administration fee, if applicable,
11. Minnesota Small Business Finance Agency fee,
12. certain contingency costs,
13. interest costs during construction, and
14. legal fees, including those of agency's bond counsel.

~~The agency shall determine that an expenditure is not eligible for funding if in the opinion of the agency financing of such expenditure may adversely affect the exemption of the interest on the agency's evidences of indebtedness from federal income taxes.~~

E. Notification of determination. After approving or disapproving an application, the executive director shall notify the applicant of the determination and the treatment of the application as follows:

1. If the executive director determines that the applicant is an owner as defined in the act and that the costs specified in the application are eligible for funding, the application shall then be deemed accepted for processing and treated in accordance with the agency review provisions established in 4 MCAR § 14.023.

2. If the executive director determines that the applicant is not an owner as defined in the act, the application shall be rejected and not further considered.

3. If the executive director determines that any of the costs described in the application are not eligible for funding, the executive director shall note the deficiencies in the application and shall so notify the owner. The owner shall have 30 days from the date of the executive director's notification to amend the application. In the event the application is amended in a timely fashion to include only eligible costs, it shall be treated in accordance with the agency review provisions established in 4 MCAR § 14.021 F. If the application is not properly amended within 30 days, the application shall be deemed rejected and not further considered.

F. Rejection. In the event that an application is rejected for processing pursuant to 4 MCAR § 14.021 E.2. or 3., the applicant may, within 30 days after date of the notification by the executive director, request the executive director to submit the determination to the agency for review at the next regularly scheduled meeting of the agency for which the agenda has not been established. If the agency approves the application, the application shall be treated in accordance with 4 MCAR § 14.023.

Workers' Compensation Court of Appeals

Proposed Rules Governing Rules of Procedure for the Workers' Compensation Court of Appeals (8 MCAR §§ 5.001-5.014)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Workers' Compensation Court of Appeals (hereinafter, "court") intends to adopt the above entitled rules without a public hearing. This court has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Laws of Minnesota, ch. 253, § 14 (1981).

If adopted, the proposed rules would set forth procedural guidelines and define the responsibilities of the court and persons having business with it.

The court is authorized to adopt these rules under Laws of Minnesota, ch. 346 § 48, subd. 4 (1981).

The court has prepared a statement of need and reasonableness which describes the court's reasons for each provision of the rules. A copy of the statement of need and reasonableness and a copy of the proposed rules are available and may be obtained by contacting:

Ms. Cynthia Valentine, Assistant Administrator
Workers' Compensation Court of Appeals
Room 212, 55 Sherburne Avenue
St. Paul, MN 55103
Telephone: (612) 297-2520

Persons interested in these rules have 30 days, specifically until December 23, 1981, to submit comments on the proposed rules. The proposed rules may be modified if the data and views submitted to the court warrant modification and do not result in a substantial change in the proposed language of the rules.

If, during the comment period, seven or more persons submit to the court a written request for a hearing on the proposed rules, the court shall proceed to schedule a public hearing before adoption of the proposed rules. In the event a public hearing is required, the court will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f (1981).

Persons who wish to submit comments or to request a public hearing should submit such comments or requests no later than December 23, 1981 to Ms. Cynthia Valentine at the address given above. The court requests that persons requesting a public hearing identify the particular provisions objected to, the suggested modifications to the rules and the reasons and data relied upon to support the requested modifications.

In the event a hearing is required, a new notice of hearing will be published in the *State Register*. Unless seven or more persons submit written requests for a public hearing, a public hearing will not be held and the court will adopt the proposed rules.

After adoption of the final rules by the court without a hearing, the proposed rules, this notice, the statement of need and reasonableness and all written comments received and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material or who wish to receive a copy of the final rules as proposed for adoption should submit a written statement of such request to Ms. Cynthia Valentine at the address noted above.

Rules as Proposed (all new material)

8 MCAR § 5.001 Definition. For the purpose of 8 MCAR §§ 5.001-5.014 "court" means the Workers' Compensation Court of Appeals.

8 MCAR § 5.002 Examination of files. Any workers' compensation division file that is in the custody of the court may be inspected by any person only when there has been compliance with Minn. Stat. § 176.231, subs. 8 and 9 and the rules of the workers' compensation division.

8 MCAR § 5.003 Preparation and form of legal documents. Pleadings, briefs and other legal documents filed with the court shall be printed or typewritten and shall use only one side of the paper. All material shall be submitted on 8½ by 11 inch paper.

8 MCAR § 5.004 Temporary orders. Temporary orders filed with the court must comply with Minn. Stat. § 176.191 and the rules of the workers' compensation division regarding temporary orders unless otherwise ordered by the court.

8 MCAR § 5.005 Continuances and extensions. Continuance of any hearing may be granted only upon a showing of just cause.

Failure to make timely request to the court for a continuance is grounds for denial of the continuance.

Extensions of times for filing briefs shall be granted only for cause and if made within the time for the filing of said brief. The court shall determine the requests without oral argument. Where no brief has been filed by appellant and no extension of time granted therefore, the respondent may file a brief within 50 days of the time of filing a certification of service of transcript by the Office of Administrative Hearings as required by 8 MCAR §§ 5.001-5.014.

8 MCAR § 5.006 Notice of settlement. In every case which is settled prior to the filing of the court's decision immediate notice of the settlement must be given to the court.

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PROPOSED RULES

8 MCAR § 5.007 Stipulation for settlement. Stipulations for settlement submitted to the court shall comply with Minn. Stat. § 176.521 and the rules of the workers' compensation division and the State Office of Administrative Hearings regarding stipulations of settlement unless otherwise ordered by the court.

8 MCAR § 5.008 Appeal of attorney fees by an employee. An employee dissatisfied with his attorney fees may make application for review of the fees by completing an application form provided by the court.

8 MCAR § 5.009 Briefs on appeal. The Office of Administrative Hearings shall file a certification with this court showing the date of service of the transcript of hearing upon the parties or their attorneys. The appellant, within 30 days from the date of said service, shall file a written brief with the court together with an affidavit stating that service of a copy of the brief has been made by the appellant upon each adverse party. Five copies of the brief shall be filed with the court where oral argument is to be made.

Any response to any brief shall be filed with the court within 20 days of the date of service of the brief to which the response is being made. The response must be accompanied by an affidavit stating that service has been made upon all opposing parties.

Upon appeal to this court where no certification of filing of transcript is required, the appellant shall have 30 days from the date of filing the notice of appeal to file a written brief. Response briefs shall be filed in accordance with the foregoing paragraph.

Briefs not timely filed shall not be considered by the court unless an extension of time for filing has been granted. No extension shall be granted except as provided in 8 MCAR §§ 5.001-5.014.

8 MCAR § 5.010 Hearings on appeal. A party desiring to waive oral argument before the court shall notify the court within the time limitations for the filing of a brief.

All arguments on appeal before the court shall be limited to 15 minutes by each party unless otherwise authorized by the court.

8 MCAR § 5.011 Application to set the award aside or grant a new hearing. Applications to set an award aside or grant a new hearing shall be verified and accompanied by supporting affidavits or medical reports. Sufficient copies shall be filed with the court for service upon the other parties. The application shall state in detail the grounds that constitute the cause for granting the relief requested.

Responses and other pleadings shall be served upon all parties and filed with the court at least five days before the date of hearing on the matter.

The court may, in its discretion, act on the application without hearing or may require a hearing and further proof.

8 MCAR § 5.012 Writ of certiorari. The party filing a writ of certiorari pursuant to Minn. Stat. § 176.471 and Rules 103.01 and 111.04 of the Rules of Civil Appellate Procedure, shall immediately provide the court with an additional copy of any transcripts of hearings pertaining to the matter on appeal.

8 MCAR § 5.013 Second injury law. In addition to those impairments set forth in Minn. Stat. § 176.131, subd. 8, the following additional impairments shall be registerable: brain tumors; Pott's disease; seizures; cancer of the bone; and leukemia.

8 MCAR § 5.014 Motions. All applications, petitions and motions for relief or consideration by the court, not otherwise provided for in 8 MCAR §§ 5.001-5.014 with respect to appeals, shall be made in the following manner and within the following times, unless otherwise directed by the court:

A. Motions shall be in writing, verified, accompanied by appropriate documentation, state the relief sought, the basis therefore, and be accompanied by an affidavit of service upon all other parties affected thereby;

B. All other parties shall have a period of five days from the date of filing of service of a motion within which to file a response in writing. A reply may be filed within two days thereafter. No motions shall be considered if filed within five days of the time set for hearing on an appeal; and

C. Oral argument shall not be permitted except upon order of the court.

Repealer. Except as expressly made applicable by 8 MCAR § 5.001-5.014 the rules of practice for the Workers' Compensation Court of Appeals and the Workers' Compensation Division of the Department of Labor and Industry, WC1-WC35, are not applicable and do not govern practice before the Workers' Compensation Court of Appeals.

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.

State Board of Education Department of Education Special Services Division

Adopted Rules Governing the State Education Placement Bureau (State Teacher Employment Bureau), 5 MCAR §§ 1.0460-1.0461 (EDU 460-461), and Repeal of EDU 462

The rules as proposed and published at *State Register*, Volume 5, Number 52, pp. 2108-2110, June 29, 1981 (5 S.R. 2108) are now adopted with the following modifications:

Rules as Adopted

Chapter Twenty-Four: State Teacher Employment Bureau (State Education Placement Bureau)

5 MCAR § 1.0460 Enrollment.

A. Application. Enrollment with the State ~~Teacher~~ Education Placement Bureau shall be conditioned upon completion of the enrollment form by a qualified applicant and the payment of the enrollment fee.

A qualified applicant is one who meets the standards stated in Minn. Stat. § 121.26.

D. Re-enrollment. Following the October 1st expiration of enrollment each year, applicants' papers will be held for nine months, until July 1st. If the applicant re-enrolls during the period between October 1st and July 1st of the following year, the applicant shall do so by completing a new enrollment form and by paying the required fee. Re-enrollment after July 1st shall require a new completed enrollment form, the accompaniment of the required fee, and a ~~new~~ list of references.

5 MCAR § 1.0461 B. Applicant's file. When ~~a~~ an applicant accepts a position, the credentials shall be placed in the inactive file; the file shall be reactivated upon the request of the applicant at any time during the remainder of the enrollment year for which the applicant has paid the required fee.

Minnesota Energy Agency Data and Analysis Division

Adopted Temporary Rules Governing the State Petroleum Product Set-Aside Program

The rules proposed and published at *State Register*, Volume 6, Number 10, pages 347-353, September 7, 1981 (6 S.R. 347), are now adopted with the following modifications:

Temporary Rules as Adopted

6 MCAR § 2.008 (Temporary) Purpose. Rules 6 MCAR §§ 2.007-2.015 (Temporary) govern the administration of the state petroleum product set-aside program. The state set-aside program provides emergency petroleum supplies to relieve the

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ADOPTED RULES

hardship caused by shortages of refined petroleum products, or other emergencies. The purpose of the program is to minimize the adverse impacts of shortages and dislocations on the state's citizens and economy.

6 MCAR § 2.009 (Temporary) Definitions.

A. Applicability. For the purposes of 6 MCAR §§ 2.007-2.015 (Temporary) the terms defined in this rule have the meanings given them.

P. Government services. "Government services" ~~include~~ includes: activities of the judicial branch of government; jail and prison activities; meetings of elected political officials; the Division of Emergency Services Operations Center activities; hearings of mobilized Local Energy Conservation Boards; the Office of Administrative Hearings; and minimum services to provide Aid for Dependent Children, food stamps, Social Security Income, and Social Security checks.

6 MCAR § ~~2.011~~ 2.011 (Temporary) Applications.

B. Form of application. An ~~application~~ applicant shall submit an application to the office for each month of hardship or emergency.

6 MCAR § 2.012 (Temporary) Evaluation criteria.

B. Motor gasoline. The volume of motor gasoline available for state set-aside is a volume equal to three percent of all prime suppliers' monthly Minnesota sales of motor gasoline in the corresponding month of 1980. The office may assign state set-aside motor gasoline volumes, when the applicant submits accurate and complete documentation, based on the following criteria.

2. Community or area hardship.

a. State set-aside may be assigned to alleviate a shortfall caused by the closing of a motor gasoline retail outlet in a community. The applicant must certify that residents would have to drive 20 or more miles round trip to obtain motor gasoline between the hours of 7:00 a.m. and 8:00 ~~a.m.~~ p.m. and provide the office with the name, address, and approximate gallons per month sold of all retail outlets which have opened or closed in the last calendar year within a ten-mile radius of the retail outlet requesting the state set-aside assignment.

3. The office may assign state set-aside motor gasoline to alleviate a shortage of motor gasoline due to a natural disaster including: floods; blizzards; fire; high winds; and tornadoes. Applicants shall state the nature of the disaster, the number of gallons sold, and to whom.

6 MCAR § 2.014 (Temporary) Appeals process.

A. Applicability. Within ten days after the effective date of an order or the mailing date of a denial, any person aggrieved may appeal in writing to the director. The written appeal shall include:

1. The reason for the appeal, including why the action by the office is deemed unwise or unjust;

2. The names, addresses, and telephone numbers of any ~~person~~ persons whom it is believed might be injured by the order being appealed; and

3. The objective of the appeal, including reversal of the office action, modification of the action, or other remedies.

C. State set-aside appeals board. The state set-aside appeals board shall consist of:

1. The director or the director's designee, as chairperson;

2. The Commissioner of the Minnesota Department of Agriculture or designee thereof;

3. The Director of the Office of Consumer ~~Affairs~~ Services of the Minnesota Department of Commerce or designee thereof;

4. The Director of the Office of Emergency Services of the Minnesota Department of Public Safety or designee thereof; and

5. The Commissioner of the Minnesota Department of Public Service or designee thereof.

Board of Teaching

Adopted Rules Governing Licensure Requirements for Elementary School Teachers; Special Education: Core Skill Areas; Special Education: Early Childhood; and Developmental/Adapted Physical Education; Repeal of Rules Governing Elementary School Classroom Teachers; Amendments to Rules Governing Teachers in Middle Schools

The rules proposed and published at *State Register*, Volume 5, Number 43, pages 1684-1693, April 27, 1981 (5 S.R. 1684), are now adopted with the following modifications:

Rules as Adopted

5 MCAR § 3.050 Elementary schools. [~~Proposed for repeal~~ Repealed effective July 1, 1985.]

5 MCAR § ~~3.050~~ 3.0501 Elementary school classroom teachers, grades 1-6.

B. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a general/liberal studies component consisting of at least one third of the baccalaureate degree requirement of the institution. The general/liberal studies component shall be designed to provide candidates recommended for licensure as ~~an~~ elementary school classroom ~~teacher~~ teachers (grades 1-6) with knowledge, skills, and understandings within each of the following categories of this component:

1. Symbolics of information, which must include three areas within this category such as, but not limited to, composition, public speaking, languages, linguistics, history and structure of the English language, logic, and mathematics. The area of mathematics is required of all candidates recommended for licensure as elementary school classroom teachers.

C. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in all of the following: foundational studies, organization and management of instruction, content and methods, pre-student teaching and student teaching experiences, and the profession of teaching.

1. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching; ~~and~~ It includes all of the following:

a. The study of child growth and development from early childhood through early adolescence, including typical and atypical patterns of development.

2. Organization and management of instruction. This category consists of basic knowledge, skills, and understandings for planning, implementing, and evaluating instruction for all students within a classroom; ~~and~~ It includes all of the following:

a. Development of differentiated instructional strategies and techniques; and the application of these strategies and techniques to unique learning styles; differing physical, emotional, mental capabilities; and differing environments and cultures.

3. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of K-6 curriculum; and of skills necessary to teach in the elementary schools; including provision for individual differences of students, in all of the following curriculum areas:

e. Music: to sing, play, and conduct simple rhythm patterns and melodies; develop creative patterns for dancing and movement; provide for playing, making, and utilizing musical instruments; and ~~beginning~~ begin exposure to musical heritage.

4. Pre-student teaching and student teaching experiences. This category consists of cooperative experiences between teacher preparation institutions and classroom teachers in a school setting in grades 1-3 and in grades 4-6 in which theory and practice are combined; ~~and~~ It includes all of the following:

a. A series of formal observations of teaching and directed instructional experiences in an elementary school, prior to student teaching, which shall begin early in the professional education component.

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ADOPTED RULES

5 MCAR § 3.0901 Special education: core skill areas.

B. Core skill area requirements in special education shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations.
 - a. Understanding of human growth and development, which shall include:
 - (1) Typical and atypical development;
 - (2) Stages from conception to death;
 - (3) Affective, language, cognitive, and sensorimotor areas; and
 - (4) Factors influencing development, including physiological, social, physical environment, and psychological.

5 MCAR § 3.0902 Special education: early childhood.

A. All candidates recommended for licensure to teach special education: early childhood (~~ages birth-kindergarten~~) shall:

3. Satisfactorily complete a special education: early childhood preparation program (~~ages birth-kindergarten~~), approved by the Minnesota Board of Teaching, consisting of at least 54 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of special education: early childhood (~~ages birth-kindergarten~~) shall provide candidates recommended for licensure with knowledge, skills, and understandings, distributed equally between instructional strategies for teaching children with normal development and children with handicapping conditions, in all of the following:

6. Pre-practicum and practicum experiences with infants, toddlers, and pre-primary children, in a setting in which theory and practice are combined, which shall include:

- a. A series of formal observations of teaching and directed instructional experiences, prior to a practicum experience.
- b. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with normal development and their parents.
- c. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with handicapping conditions and their parents.

Upon completion of pre-practicum and practicum experiences, candidates recommended for licensure shall have had such experiences with ~~normal development~~ normally developing and handicapped infants, toddlers, and pre-primary children with a variety of disorders and served through a variety of program models, such as home-based or pre-school class.

D. Provisional licensure.

1. Effective January 1, 1982, a provisional two-year nonrenewable license shall be issued to an applicant who holds a valid entrance, continuing, or life license and provides evidence of completion of at least one year of teaching experience in a special education: early education program, as verified by the employing school official.

~~D. Provisional licensure.~~ 2. A provisional license shall be issued to an applicant who holds a valid entrance, continuing, or life teaching license and who has completed a minimum of 15 quarter hours, or the equivalent, selected from B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of special education: early childhood. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years. Successive two-year renewals of provisional licensure in special education: early childhood shall be issued to an applicant who provides evidence of completion of a minimum of 15 quarter hours, or the equivalent, selected from A.2., and B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of special education: early childhood. Provisional licensure shall remain in effect until July 1, 1993, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach Special Education: Early Childhood. The provisions of D.1. of this rule shall remain in effect until July 1, 1985, at which time provision D.1. shall be repealed without further action by the Minnesota Board of Teaching. Effective July 1, 1985, all applicants for teacher licensure to teach special education: early childhood must meet the provisions of this rule.

5 MCAR § 3.0909 Developmental/adapted physical education.

B. Each program leading to the licensure of teachers of developmental/adapted physical education (grades prekindergarten-12) shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

2. Organization and management of instruction, consisting of planning, implementing, and evaluating physical education instruction for handicapped and special needs students (grades prekindergarten-12), which shall include:

h. Teaching experiences with handicapped and special needs students, including students in regular physical education classes and students in self-contained special education classes, and experiences in two or more of the handicapped categories set forth in ~~M.S.~~ Minn. Stat. § 120.03.

5 MCAR § 3.054 Teachers in middle schools.

A. All candidates recommended for licensure as teachers in middle schools shall:

3. Except as provided in B. of this rule, satisfactorily complete a preparation program, approved by the Board of Teaching, leading to the licensure of middle school teachers, as follows:

a. A teacher holding a valid Minnesota elementary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

- (1) Philosophy and organization of the middle school;
- (2) Adolescent psychology;
- (3) Interdisciplinary planning;
- (4) Special learning and behavior problems;
- (5) Teaching experience with adolescents; and
- (6) A minimum of 12 quarter hours or the equivalent of course work in a single academic licensure field.

b. A teacher holding a valid Minnesota secondary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

- (1) Philosophy and organization of the middle school;
- (2) Pre-adolescent psychology;
- (3) Developmental reading;
- (4) Interdisciplinary planning;
- (5) Remedial reading;
- (6) Special learning and behavior problems; and
- (7) Teaching experience with pre-adolescents.

L. Persons ~~hold~~ holding a valid Minnesota elementary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which this teaching experience in a Minnesota middle school was completed.

Department of Natural Resources

Commissioner's Order No. 2113

Regulations for the Taking and Possession of Certain Species of Fish in Inland Waters Superseding Commissioner's Orders Nos. 2050 and 2064

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking and possession of certain species of fish in inland waters.

Section. 1. The species of fish listed in this section may be taken by angling in the specified inland waters except for such of these waters as may otherwise be closed to the taking of fish. The taking and possession of such fish is subject to the seasons,

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

limits and other restrictions set forth herein or in other applicable laws, regulations or orders. All dates are inclusive. Whenever the closing date of a season prescribed herein falls on a Saturday, the season shall extend through the following day.

<u>Species and Open Season</u>	<u>Daily & Possession Limits</u>
A. Large and small mouthed black bass either or both in the aggregate. In all waters lying east and north of U.S. Highway 53 from Duluth to International Falls and in Pelican and Ash Lakes, St. Louis County, Saturday nearest May 15 to February 15. In all other waters, Saturday nearest May 29 to February 15.	6
B. Trout, including brook, brown and rainbow trout and splake, but not including lake trout.	
1. All streams and rivers from Lake Superior upstream to posted boundaries are open continuously. In the posted areas of the Knife River in Lake County, trout may be taken only from June 1 to August 31. Except in the Pigeon River in Cook County and the St. Louis River in St. Louis County, a single hook only shall be used for angling. Any trout or salmon that is hooked (snagged) in any part of the body except the mouth shall be unhooked and returned immediately to the stream.	5 (Minimum size, 10 inches in length. Not more than 3 may be 16 inches in length or over.)
2. In all streams of the Lake Superior watershed in St. Louis, Lake and Cook Counties, above the posted boundaries (noted in 1 above), except the St. Louis River and Estuary (that body of water lying inland of Minnesota Point) and their tributaries, 10:00 a.m., Saturday nearest April 15 to September 30.	10 (Not more than 3 may be 16 inches in length or over.)
3. In all other streams of the state (not listed in 1 or 2 above) 10:00 a.m., Saturday nearest April 15 to September 30.	5 (Not more than 3 may be 16 inches in length or over.)
4. In lakes only: statewide from Saturday nearest May 15 to September 30; on all lakes entirely within the Boundary Waters Canoe Area Wilderness, from Saturday nearest January 1 to March 31; on all lakes entirely or partly outside the Boundary Waters Canoe Area Wilderness except lakes in Aitkin, Becker, Beltrami, Cass, Crow Wing and Hubbard counties, from Saturday nearest January 15 to March 15; and on the following lakes from Saturday nearest January 15 to March 15:	5 (Not more than 3 may be 16 inches in length or over.)
<u>Lake</u>	<u>County</u>
Alton	Cook
Snowbank	Lake

Seagull	Cook
Magnetic	Cook
Clearwater	Cook
Ram	Cook

- C. Lake trout. Statewide from Saturday nearest May 15 to September 30; on all waters lying entirely within the Boundary Waters Canoe Area Wilderness, from Saturday nearest January 1 to March 31; on all waters lying entirely or partly outside the Boundary Waters Canoe Area Wilderness from Saturday nearest January 15 to March 15; and on the following lakes, from Saturday nearest January 15 to March 15:

<u>Lake</u>	<u>County</u>
Alton	Cook
Snowbank	Lake
Seagull	Cook
Magnetic	Cook
Clearwater	Cook
Ram	Cook

- D. Walleyed Pike and saugers (sand pike), either or both in the aggregate. In all waters from Saturday nearest May 15 to February 15. 6
- E. Great northern pike (pickerel). In all waters from Saturday nearest May 15 to February 15. 3
- F. Salmon. Continuous in all waters. In those waters listed in Section 1.B.1. of this order, any salmon that is hooked in any part of the body except the mouth shall be unhooked and returned immediately to the stream. 10
- G. Muskellunge (including hybrid). In all waters from the first Saturday in June to February 15. 1
- Minimum size limit—30 inches.
Exception: Size limit is 26 inches on Shoepack (Boot Jack) Lake, S. 3, T. 69, R. 20; S. 33, 34, 35, T. 70, R. 20, and Little Shoepack (Little Book Jack) Lake, S. 2, 3, T. 69, R. 20, both in St. Louis County.
- H. Rock bass. 30
Continuous in all waters.
- I. White bass. 30
Continuous in all waters.
- J. Crappies. 15
Continuous in all waters.

KEY: 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." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

K. Sunfish.	30
Continuous in all waters.	
L. Catfish.	5
Continuous in all waters.	
M. Perch.	100
Continuous in all waters.	
N. Bullheads.	100
Continuous in all waters.	
O. Sturgeon.	1
May be taken in tributaries to the St. Croix River only. Saturday nearest July 1 to October 31.	(Minimum size, 45 inches in length.)
P. Carp, dogfish, redhorse, sheepshead, suckers, turtles, eelpout, garfish, whitefish, goldeyes, tullibees, buffalofish, smelt. Continuous in all waters.	No limits

Sec. 2. The daily and possession limits on the taking of great northern pike or pickerel, as set forth in Section 1, shall also apply to the taking thereof by dark house spearing.

Sec. 3. Two lines may be used for angling through the ice in all waters of the state except in designated trout lakes, where only one line may be used.

Sec. 4. Smelt may be taken by dip netting in all waters at any time.

Commissioner's Orders Nos. 2050 and 2064 are hereby superseded.

Dated at St. Paul, Minnesota, this 2nd day of November, 1981.

Joseph N. Alexander, Commissioner
Department of Natural Resources

SUPREME COURT

Decisions Filed Friday, November 13, 1981

Compiled by John McCarthy, Clerk

51477 State of Minnesota v. Anthony Dokken, Appellant. Kandiyohi County.

Evidence of defendant's activities insufficient as a matter of law to prove defendant guilty of false imprisonment as defined by Minn. Stat. § 609.255 (1980).

Reversed. Sheran, C. J.

50996/Sp. State of Minnesota v. Patrick Byron Koehler, Appellant. St. Louis County.

Where evidence has been unintentionally lost by the state the sanction of acquittal is not required.

Admission of incriminating testimony hypnotically induced is reversible error.

Remanded for a new trial. Otis, J. Dissenting, Yetka, J.

81-463/Sp. John Arthur Williams, Jr., *et al.*, Appellants, v. Township of Lynd, defendant and third party plaintiff, Louis E. Taveirne, third party defendant. Lyon County.

A vendee under a contract for deed, as the equitable owner of the property, has a right to recover damages resulting from a trespass upon the property and may assign that right under an express provision in a later warranty deed.

Appellants did not waive their right to bring an action for damage to the property where they clearly intended to preserve that right by assigning it to a subsequent vendee under the warranty deed.

Reversed and remanded. Todd, J.

50887/Sp. Schanno Transportation, Inc., v. Cecil Smith, Appellant. Hennepin County.

The trial court's determination that the nonresident defendant was subject to the jurisdiction of the Minnesota courts is supported by the evidence.

Affirmed. Amdahl, J. Dissenting, Otis, J., and Peterson, J.

51841/Sp. State of Minnesota v. Aman O. Esmailzadeh, Appellant. Hennepin County.

Evidence was sufficient to sustain aggravated robbery conviction where single eyewitness' identification of defendant was corroborated by other evidence.

Affirmed. Amdahl, J.

81-57/Sp. David H. Peterson; et al., Robert F. Fritz, v. The City of Elk River, Appellant. Sherburne County.

The trial court properly concluded that the City Council could not exempt from the assessment rolls property within the benefited area being farmed under the Minnesota Agricultural Property Tax Law, Minn. Stat. § 273.111 (1980), the "Green Acres" statute, even though the assessments would be deferred.

The trial court did not err in holding that the cost of the assessment for the railroad crossing could be separated and that the cost for the safety signals was not assessable against specific property owners.

The trial court did not err in finding certain property was benefited but in some lesser amount to be determined on the remand to the City Council.

The trial court's denial of attorneys fees and a portion of expert witness fees was within its discretion.

Affirmed. Simonett, J.

STATE CONTRACTS

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.

Department of Economic Security

Notice of Request for Proposals for Direct Placement Projects Funded under the Title VII Private Sector Initiative Program (PSIP)

The Minnesota Balance of State Private Industry Council (BOS PIC) is soliciting proposals for Direct Placement Projects to provide employment and training services to women, youth and target group populations identified by Regional Employment and Training Advisory Councils (RETACs) within the Balance of State Minnesota.

To be considered, project proposals must focus on the provision of direct placement activities for youth or women or regional target groups. Possible areas of emphasis include:

- On the Job Training
- Apprenticeship Training Programs
- Upgrading and/or Retraining Programs
- Customized Training

STATE CONTRACTS

- School to Work Programs
- Small Business Intern Programs

For further information regarding this RFP or a copy of the complete RFP package, please contact:

Patrick J. Cruik, PIC Coordinator
Minnesota Department of Economic Security
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-1045

The Balance of State Private Industry Council has set aside \$250,000 for this solicitation. The last date on which proposals will be accepted is December 18, 1981.

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.

Minnesota Energy Agency Alternative Energy Development Division

Notice of Intent to Solicit Outside Opinion Concerning Rules Relating to the District Heating Bonding Act

Extension of Deadline for Comment Period

The solicitation that appears in the October 26, 1981 issue of the *Minnesota State Register* (6 S.R. 728) requesting outside opinion for the purpose of rulemaking under the District Heating Bonding Act, Chapter 334, Laws of Minnesota 1981, is hereby extended.

Oral and written comments will be received until proposed temporary rules have been submitted for publication. Such rules are expected to be submitted in mid-December 1981.

Minnesota Energy Agency Data and Analysis Division

Recertification of the Sherburne County Generating Unit No. 3 as Proposed by Northern States Power Company, Southern Minnesota Municipal Power Association, and United Minnesota Municipal Power Association, Joint Applicants

Order for and Notice of Hearing

It is hereby ordered and notice is hereby given that a contested case hearing in the above-entitled matter will be held at the following times and places:

<i>Date (1982)</i>	<i>Time</i>	<i>Place</i>
Feb. 8	1:00 and 7:00 p.m.	City Council Chambers, City Hall, Becker
Feb. 9-11	9:00 a.m. & 1:00 p.m.	City Council Chambers, City Hall, Becker
Feb. 16	1:00 and 7:00 p.m.	Public Library, Mora

Feb. 17-18	9:00 a.m. & 1:00 p.m.	St. Mary's Parish Center, Mora
Feb. 19	9:00 a.m. & 1:00 p.m.	Public Library, Mora
Feb. 22	1:00 and 7:00 p.m.	City Council Chambers, Municipal Building, Austin
Feb. 23-24	9:00 a.m. & 1:00 p.m.	City Council Chambers, Municipal Building, Austin
Feb. 25	9:00 a.m.	City Council Chambers, Municipal Building, Austin
Feb. 25	7:00 p.m.	City Council Chambers, City Hall, Rochester
March 1	1:00 and 7:00 p.m.	City Council Chambers, City Hall, Owatonna
March 2-4	9:00 a.m. & 1:00 p.m.	City Council Chambers, City Hall, Owatonna
March 8	1:00 and 7:00 p.m.	Highland Senior High School, 1015 S. Snelling, St. Paul
March 9-11	9:00 a.m. & 1:00 p.m.	Federal Bldg., Room 584, St. Paul

If additional hearing sessions are needed, they will be scheduled by the hearing examiner. If, on the other hand, there appears to be need for any of the sessions scheduled to be cancelled, the hearing examiner may cancel any of the sessions except the first two sessions at any location.

This hearing arises from a decision made by the director of the Minnesota Energy Agency ("director" and "agency") on November 5, 1980, delaying a final decision on a request by Northern States Power Company ("NSP") to modify the Certificate of Need for its proposed Sherburne County Generating Unit No. 3 ("Sherco 3") by adding two joint owners of the facility—Southern Minnesota Municipal Power Agency ("SMMPA") and United Minnesota Municipal Power Agency ("UMMPA") to the certificate; an application for a certificate of need filed by SMMPA on October 10, 1980, supplemented, and accepted as substantially complete on June 24, 1981; an application for a certificate of need filed by UMMPA on June 30, 1981, and accepted as substantially complete on July 13, 1981; and an application for a certificate of need filed by NSP on June 26, 1981, supplemented, and accepted as substantially complete on September 11, 1981. The applications were submitted by NSP, SMMPA and UMMPA (jointly the "Applicants"), and the agency is convening the hearing, on the authority of Minn. Stat. § 116H.13 and rules 6 MCAR §§ 2.601-2.641.

The contested case hearing will be held before Phyllis Reha, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104,¹ telephone (612) 296-8109, an independent hearing examiner appointed 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 throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in the Administrative Procedure Act, Minn. Stat. §§ 15.0411 through 15.052, and procedural rules 9 MCAR §§ 2.201-2.222 and 6 MCAR §§ 2.500-2.520. Where the procedural rules conflict, the hearing examiner's rules, 9 MCAR §§ 2.201-2.222, supersede the agency's rules, 6 MCAR §§ 2.500-2.520. Questions concerning the issues raised in this order or concerning discovery may be directed to Special Assistant Attorney General Dwight S. Wagenius, 720 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101, telephone (612) 296-8278 or Hearing Examiner Reha.

The purpose of the hearing is to determine whether applicants have justified the need for the proposed Sherco 3 facility—an 800-megawatt, coal-fired electric generating facility proposed to be in service in May 1985. On April 12, 1976, the agency certified the need for Sherco 3 to be in operation by May 1, 1981. A subsequent NSP request for delay in the in-service date resulted in reconsideration of the in-service date. In October 1979 the agency issued an amended certificate to NSP for Sherco 3 to be in operation by May 1, 1985. Due to energy supply and demand changes and other concerns, NSP requested in September 1980 that the agency modify NSP's Sherco 3 certificate to permit SMMPA to own 300 megawatts and UMMPA 49 megawatts of the 800 megawatts total facility capacity. The 1985 in-service date would be retained. The director determined that a total reconsideration of the need for Sherco 3 is necessary.

The issues the hearing will address are set out in the applicable statutes and rules. Among those issues are whether the probable direct or indirect result of the hearing would adversely affect the future adequacy, reliability or efficiency of energy supply to the applicants, applicants' customers, or to the people of Minnesota and neighboring states considering, among other things, applicants' forecasts of electrical demand, applicants' and governmental conservation and load management programs, and the ability of other facilities to meet projected demand. Also considered will be whether a more reasonable and prudent or feasible and prudent alternative to the proposed facility can be demonstrated considering size, type, timing, construction cost, cost of energy produced, environmental effects, and reliability. The consequences of the proposed facility, or a suitable modification thereof, on overall state energy needs and the natural and socioeconomic environments will be considered. Finally, the hearing process will consider whether the proposed facility would fail to comply with relevant policies, rules and regulations of other state agencies, federal agencies, and local governments.

The Energy Agency is preparing an Environmental Report on the proposed facility in accordance with rule 6 MCAR

¹ Effective January 2, 1982, the Office of Administrative Hearings will move to the fourth floor of the Summit National Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415.

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§ 3.025 G. The Environmental Report will be available for review and for distribution to the MEQB distribution list at least 20 days before the hearing begins. Notice of its availability will be published in the EQB Monitor. Written and oral comments on the Environmental Report will be received at the hearing.

There are two different ways in which persons may participate in these hearings. They can participate as members of the public, or they may participate as parties.

If a person elects to participate as a member of the public, he or she will be allowed to offer testimony and present exhibits or other evidence. Such persons will have first priority at the evening sessions scheduled to begin at 7:00 p.m. at each hearing site as indicated above. However, if these times are inconvenient, times during the day sessions or other times can be arranged by contacting the Hearing Examiner.

If a person elects to participate as a party, he or she must file a Petition to Intervene with the hearing examiner. The contents of this document are spelled out in rules 9 MCAR § 2.210 and 6 MCAR § 2.506, copies of which are available as described below. The Petition to Intervene must be received by the hearing examiner on or before December 14, 1981. However, early intervention is strongly encouraged. Copies must also be served on the agency, c/o Dwight S. Wagenius, at the address given above, and on known parties at the time of intervention. At the present time, there are several known parties. A service list can be obtained by contacting Hearing Examiner Reha or Mr. Wagenius.

If the Petition to Intervene is granted by the hearing examiner, the person submitting it becomes a party, with certain rights and obligations not shared by persons who elect to participate as members of the public. Parties must attend prehearing conferences, and must prefile their testimony and exhibits in advance of the hearing. They must file a Notice of Appearance within 20 days after publication of this Order for and Notice of Hearing in the *State Register* or after their intervention is granted, but in any case prior to the hearing. They must file proposed findings and conclusions. Parties have the right to advance notice of witnesses and evidence, to cross-examine witnesses, to object to petitions to intervene, to request an order for depositions, to use other discovery devices and to file comments on and exceptions to proposed findings and recommendations of the hearing examiner. These are some, but not all, of the differences between a party and a person participating as a member of the public. Persons desiring additional information are referred to the rules cited above.

A prehearing conference will be held pursuant to rule 9 MCAR § 2.213 A. at 10:00 a.m. on January 14, 1982, at the Office of Administrative Hearings, Fourth Floor, Summit National Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota, to consider various procedural matters. The Applicants shall file their testimony and exhibits with the hearing examiner and serve two copies on the agency and one copy on known parties no later than January 7, 1982. Intervenors' testimony and exhibits must be filed with the hearing examiner and served on the agency (two copies) and all parties no later than January 20, 1982.

The Minnesota Energy Agency employee whose duty is to facilitate citizen participation in the hearing process is David L. Jacobson. He can be reached by mail or telephone—980 American Center Building, Saint Paul, Minnesota 55101, (612) 296-7502. A toll-free telephone number for those outside the Twin Cities metropolitan area is (800) 652-9747.

All persons are advised that no factual information or evidence 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.

All of the rules cited above are available for review at the Office of Administrative Hearings and at the offices of the Energy Agency. The applicants' applications, and the substantive rules applicable to this matter, 6 MCAR §§ 2.601-2.641, are also available for review at the offices of the Energy Agency and at the libraries identified on the list attached to this order. All rules may be purchased from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, Minnesota 55155, telephone (612) 297-3000.

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.

November 10, 1981

Mark Mason, Director
Minnesota Energy Agency

Libraries Receiving a Copy of the Sherco 3 Applications

Polk County—Crookston Library
120 North Ash Street
Crookston, Minnesota 56716

Bemidji Public Library
6th and Beltrami
Bemidji, Minnesota 56601

Duluth Public Library
101 West Second
Duluth, Minnesota 55802

Fergus Falls Public Library
125 North Union
Fergus Falls, Minnesota 56537

Kitchigami Regional Library
Pine River, Minnesota 56474

Crow River Regional Library
Attn: Burt Sundberg
410 West Fifth
Willmar, Minnesota 56201

Chippewa County Library
224 South First Street
Montevideo, Minnesota 56265

East Central Regional Library
240 Third Avenue S.W.
Cambridge, Minnesota 55008

Great River Regional Library
124 South Fifth Avenue
St. Cloud, Minnesota 56301

Marshall—Lyon County Library
301 West Lyon Street
Marshall, Minnesota 56258

Legislative Reference Library
Attn: Zona DeWitt
State Capitol, Room 111
St. Paul, Minnesota 55155

Rochester Public Library
Broadway at 1st St. S.E.
Rochester, Minnesota 55901

Environmental Conservation Library
Attn: Julie Copeland
300 Nicollet Mall
Minneapolis, Minnesota 55401

Minnesota Valley Regional Library
120 South Broad Street
Mankato, Minnesota 56001

Austin Public Library
Attn: Tom Green
201 Second Avenue N.W.
Austin, Minnesota 55912

Owatonna Free Public Library
105 North Elm Street
Box 387
Owatonna, Minnesota 55060

Department of Energy, Planning & Development Energy Policy Development Council

Notice of Council Meeting

The next meeting of the council is scheduled for November 30, 2:00 to 5:00 p.m. in Room 22 of the State Office Building. This meeting will review and discuss the draft report to the legislature on the reorganization of statewide energy functions. The work program of the council will also be a topic of discussion. Contact Allen Jaisle, 296-2641, for further information.

Department of Labor and Industry Occupational Safety and Health Division

Notice of Intent to Solicit Outside Opinion Regarding Occupational Safety and Health Standards Governing Grain Handling Facilities

Notice is hereby given that the Minnesota Department of Labor and Industry, Occupational Safety and Health Division, is seeking information or opinions from outside the agency regarding a draft of Occupational Safety and Health Standards governing grain handling facilities. The promulgation of these standards is authorized by Minn. Stat. § 182.655. The Occupational Safety and Health Division has prepared a draft standard with input from the grain elevator industry, grain millers, State Grain Inspection Service of the Minnesota Department of Agriculture, insurance carriers who cover grain handling facilities, and the Grain Elevator Fire and Explosion Inspection Team from the National Academy of Science. The

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standards provide coverage for all grain handling facilities including country, terminals and export elevators, feed mills, feed manufacturing facilities, flour mills and similar places of business. The standards are intended to reduce the occurrence of fires and explosions in grain handling facilities. The draft standards include requirements for grain handling legs and conveyors, dust collection, welding and cutting, electrical and air hand tools, grain dryers, hammer mills, emergency procedures, employee training, and annual meetings.

The Occupational Safety and Health Division of the Minnesota Department of Labor and Industry requests information and comments concerning the subject matter of these standards. All interested or affected persons or groups are requested to participate. Copies of the draft standard may be obtained by writing or calling:

Patricia Lorentz
Department of Labor and Industry
Occupational Safety and Health Division
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 297-3254

Written statements of information or comment should be addressed to:

LeRoy Rudquist, Assistant Director
Department of Labor and Industry
Occupational Safety & Health Division
444 Lafayette Road
St. Paul, Minnesota 55101

Statements of information and comment will be accepted until January 4, 1982. Any written material received by the Department of Labor and Industry, Occupational Safety and Health Division, will become part of the record in the event that the draft standards are promulgated.

Russell B. Swanson
Commissioner of Labor and Industry

Department of Natural Resources Soil and Water Conservation Board

Notice of Change of Meeting Date

The Minnesota Soil and Water Conservation Board has changed the date of their regular monthly meeting from December 8, 1981 to December 15, 1981. They will meet in Conference Room B, Sixth Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota. The board will resume their regular schedule on January 12, 1982.

Metropolitan Council

Public Hearing on Amendment to the Transportation Policy Plan on Removal of the Prohibition against Fixed Guideways

The Metropolitan Council will conduct a public hearing on Thursday, Dec. 10 at 1:30 p.m. in the Council Chambers, 300 Metro Square Bldg., 7th and Robert Sts., St. Paul, Minnesota, on an amendment to the Transportation Development Guide/Policy Plan. The proposed amendment revises the existing text that prohibits the consideration of fixed guideway transit (LRT, busways, PRT, etc.) as a component of the metropolitan transit system; renumbers existing policy 22 to 22 (a); and adds new policy 22(b) "Light Rail Transit may be provided if it satisfies the feasibility conditions as stated in the appendix." Persons wishing to speak at the hearing may register to do so in advance by contacting the council's public hearing coordinator at 291-6481. Written comments will be accepted until September 21. Copies of the proposed amendment are available free of charge from the Metropolitan Council Public Information Office at 291-6464.

Charles Weaver
Chairman

Department of Natural Resources Parks and Recreation Division

Notice of Extension of Deadline on Intent to Solicit Outside Opinion Regarding the Proposed Concession Announcement for Hydroelectric Power Redevelopment at the Kettle River Dam Located in the City of Sandstone, Pine County

The above-captioned notice was published on pages 901 and 902 of the November 9, 1981 issue of the *State Register* (Volume 6, Number 19) and provided for information to be submitted by November 13, 1981.

This deadline for submittal of information is now extended to 4:00 p.m. on December 7, 1981.

All other provisions of the November 9, 1981 official notice remain the same.

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Rules Governing the Provision of Inter-Exchange Telephone Access

Notice is hereby given that the Minnesota Public Utilities Commission is seeking opinions and information from sources outside the agency to assist it in considering amendments to the commission's Extended Area Service rule, 4 MCAR § 3.0233. That rule, as well as any eventual amendments thereto, is authorized by Minn. Stat. §§ 237.06, 237.10, 237.12, and 237.16.

The commission is considering amending 4 MCAR § 3.0233 C., D., E., F., G., and H. Specifically, the commission is considering amending the cost calculation provisions of 4 MCAR § 3.0233 C., and is considering amending the sequence, timing, and procedural requirements of 4 MCAR § 3.0233 D.-H.

The commission requests information and comments concerning the areas under consideration for possible amendment. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Christopher K. Sandberg
Administrative Assistant
Minnesota Public Utilities Commission
Room 780 American Center Building
Kellogg Boulevard and Robert Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2357 and in person at the above address.

All statements of information and comment will be accepted until December 24, 1981. All written material received by the commission will become part of the record in any hearing subsequently found to be necessary in the event amendments are promulgated.

Department of Public Welfare Social Service Bureau

Notice of Intent To Solicit Outside Opinion Concerning the Administration of Minnesota Public Social Services

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.160. Administration of Minnesota Public Social Services. This rule governs the administration of publicly funded social services in Minnesota.

Authority for this rule is contained in Minnesota Statutes, chapters 256, 256E, 393 and 402. Authority is also found in Public Law 97-35, as implemented by Title 45 of the Code of Federal Regulations, Part 96.

OFFICIAL NOTICES

The proposed changes include, but are not limited to, revised sections on community social services planning, local agency duties and responsibilities (including target populations to be served), county of financial responsibility and service responsibility, contracts and grants, social service fees, and Title XX block grant requirements.

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:

Jerry Ferguson
Service Administration Section
Division of Social Services
Minnesota Department of Public Welfare
4th Floor, 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) 297-3635.

All statements of information and comment must be received by January 31, 1982. Any written material received by the department shall become part of the hearing record.

Office of the Secretary of State

Annual Compilation of State Agencies; Notices of Vacancies (Application and Appointment Procedure)

Correction Notice

Notice is hereby given of a change to the Notice of Vacancies appearing in the Annual Compilation of state agencies in the *State Register*, volume 6, number 20, November 16, 1981, page 965. A vacancy in this agency is indicated by an asterisk (*). Application deadline is December 15, 1981.

COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE: 504 Rice St., St. Paul 55101; (612) 296-9587; (Laws of 1978, ch. 510; 6/30/81).

Advises the Governor and legislature on issues affecting the Spanish-speaking community. Seven members, appointed by the Governor and confirmed by the Senate. Monthly meetings, members receive \$35 per diem.

Current members:

Fermin L. Aragon, 14420 Woodhill Terr., Minnetonka 55403; (612) 935-3807; (9/81-1/84); Hennepin; M; H.

Ana Sonia Nieves-Burton, 500 Sexton Bldg., 529 S. 7th St., Mpls. 55415; (612) 926-2010; (9/81-1/83); Hennepin; CD3; LD41B; H.

Raul Cardona, Jr., 205 N. Ermina, Albert Lea 56007; (507) 373-5717; (3/80-1/85); Freeborn; CD2; LD31A; M; H.

Juan Lopez, 407 11th Ave. S.W. 216, Forest Lake 55025; (9/81-1/83); Washington; CD1; LD51A; M; DFL; H.

Juan Moreno, 501 Pleasant Ave., Crookston 56716; (218) 281-5915; (9/81-1/85); Polk; CD7; LD2; M; IR; H.

*Lilliam Pancorbo, 5316 Bloomington Ave. S., Mpls. 55417; (612) 824-4243; (9/81-1/82); Hennepin; F; H.

Lee Villareal, 3½ Grand Circle, E. Grand Forks 56721; (218) 773-7248; (9/81-1/84); Polk; CD7; LD1; F; IR; H.

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Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

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Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

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