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STATE OF MINNESOTA



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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 6			
36	Monday Feb 22	Monday March 1	Monday March 8
37	Monday March 1	Monday March 8	Monday March 15
38	Monday March 8	Monday March 15	Monday March 22
39	Monday March 15	Monday March 22	Monday March 29

*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	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
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EXECUTIVE ORDERS

Emergency Executive Order No. 82-3

Providing for Emergency Assistance to Officials of Polk County, Minnesota

I, ALBERT H. QUIE, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, the Sheriff of Polk County has requested emergency assistance to assure the health and safety of snowbound county residents; and

WHEREAS, extreme weather conditions caused highway travel to be hazardous and beyond the capabilities of local resources; and

WHEREAS, communications could not be established with some isolated county residents due to telephone and power outages;

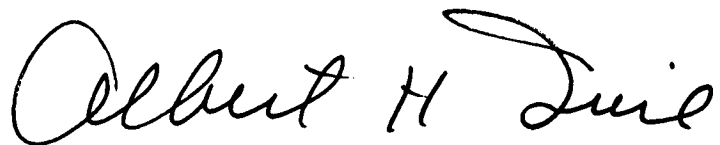
NOW, THEREFORE, I Order:

1. The Adjutant General of Minnesota shall order to active duty on and after January 23, 1982, in the service of the state, such elements of the military forces of the state as required, and for such period of time necessary to ensure the safety of our citizens.

2. Cost of subsistence, transportation and fuel, and pay and allowances of said individuals will be defrayed from the General Revenue of the state as provided for by Minnesota Statutes, § 192.49; subd. 1, § 192.51; and § 192.52.

This Order is retroactively effective to January 23, 1982, and shall be in force until such date as elements of the military forces of the state are no longer required in the judgment of the Adjutant General.

In testimony whereof, I have hereunto set my hand this 5th day of February, 1982.



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.

Pollution Control Agency Water Quality Division

Proposed Adoption of Rules Relating to Certification of Waste Disposal Facility Operators and Inspectors

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (agency) intends to adopt without a public hearing rules that require operators and inspectors of waste disposal facilities to obtain a certificate of competency from the agency. 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).

The proposed rules are authorized by Minn. Stat. § 116.41, subd. 2 (1980). The proposed rules if adopted would:

1. establish a certificate committee to oversee the training and certification program;
2. establish educational training, experience and examination requirements for individuals that need to be certified;
3. establish the procedures for applying for examination;
4. establish standards for use, issuance and renewal of certificates;
5. establish fees for certification;
6. establish criteria for imposing sanctions against a certificate holder; and
7. establish a deadline by which individuals must become certified.

The agency has prepared 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 by the agency to support the proposed rule. Copies of the statement of need and reasonableness and of the proposed rule are available and may be obtained by contacting:

Art Dunn or Clarence Manke
Operator Training Unit
Division of Water Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7764

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

Interested persons have 30 days, specifically until March 31, 1982, to submit comments on the proposed rules. The proposed rules may be modified if the data and views submitted to the agency warrant modification and the modification does not result in a substantial change in the proposed rule.

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 that a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f (1980).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to Art Dunn, at the address and telephone number previously stated, no later than March 31, 1982. If a person desires to request a public hearing, the agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the rules by the agency board, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be sent 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 adopted, should submit a written statement of such request to Art Dunn at the address previously stated.

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. 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, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

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

March 1, 1982

Louis J. Breimhurst
Executive Director

Rules as Proposed (all new material)

6 MCAR § 4.6088 Certification of operators and inspectors of waste disposal facilities. Rules 6 MCAR §§ 4.6088-4.6100 implement the requirement of Minn. Stat. § 116.41, subd. 2, that the Minnesota Pollution Control Agency shall require operators and inspectors of waste disposal facilities to obtain a certificate of competency from the agency.

6 MCAR § 4.6089 Definitions.

A. Scope. For the purposes of 6 MCAR §§ 4.6088-4.6100, the following terms and abbreviations shall have the meanings specified. Terms which are not specifically defined shall be construed to be in conformance with Minn. Stat. chs. 115, 115A and 116, their context, and professional usage.

B. Agency. "Agency" means the Minnesota Pollution Control Agency.

C. Agency director. "Agency director" means the Executive Director of the Minnesota Pollution Control Agency or its designated staff.

D. Certification. "Certification" means a process by which individuals must show competency in their chosen occupation through a combination of work experience, education, training, and successful completion of an examination as set forth in 6 MCAR §§ 4.6090-4.6100.

E. Contact hour. "Contact hour" means a pertinent instructional or training session of 50 minutes.

F. Disposal facility. "Disposal facility" means a waste facility that is designed or operated for the purpose of disposing of waste on or in the land and has a permit, stipulation agreement, or other written approval from the agency.

G. Inspector. "Inspector" means any individual who routinely reviews waste disposal facilities to determine compliance with applicable statutes, rules, permits, ordinances, or standards. "Inspector" does not include county board members, agency board members, or other individuals employed, appointed, or elected who are not directly involved in routine review of a waste disposal facility. "Inspector" may include individuals who are employed as environmental health specialists or sanitarians,

technicians, zoning administrators, county solid waste officers, pollution control specialists, engineers, soil scientists, and hydrologists.

H. Operator. "Operator" means any individual responsible for conducting work at a waste disposal facility. "Operator" does not include elected officials, office personnel, laborers, corporate directors, or other individuals in managerial roles who are not directly involved in on-site operation of a waste disposal facility. "Operator" includes facility managers, supervisors, and equipment operators.

I. Waste. "Waste" means solid waste, sewage sludge, hazardous waste and construction debris, as those terms are defined in Minn. Stat. § 115A.03.

6 MCAR § 4.6090 Classification of disposal facilities. The agency adopts the following classifications of disposal facilities for training and certification purposes.

A. Type I. A Type I facility is any disposal facility that accepts hazardous waste.

B. Type II. A Type II facility is any disposal facility that accepts solid waste; or a facility permitted to dispose sewage sludge with solid waste; or a facility that uses the landfill method for sewage sludge disposal. This facility type includes sanitary landfills, modified sanitary landfills, and sewage sludge landfills.

C. Type III. A Type III facility is any disposal facility that accepts only non-hazardous source-specific waste from industrial processes or construction debris. This facility type includes demolition landfills and industrial waste landfills.

D. Type IV. A Type IV facility is any disposal facility that applies on the land any sewage sludge or semi-solid, liquid, or contained gaseous waste from commercial or industrial operations. This facility type includes spray irrigation, subsurface injection, and land application facilities.

6 MCAR § 4.6091 Certification committee.

A. Establishment. The agency shall establish a certification committee consisting of nine voting members and two non-voting members. The voting members shall be appointed by the agency for three-year terms and shall serve without compensation. The initial appointments shall be three three-year terms, three two-year terms and three one-year terms. The initial term lengths will be determined by lot once the appointments are made. There shall be equal representation of operators and inspectors on the committee. There shall be one citizen representative. Not more than one voting member shall be a member of the agency staff. Voting members, except the citizen representative, must be certified. There shall be two non-voting members who are agency staff members responsible for training and certification. Robert's Rules of Order shall govern committee meetings.

B. Duties of the committee. The committee shall maintain accurate records of all meetings. The committee shall also review and make recommendations in the following areas to the agency director or, when appropriate, to the agency:

1. Applicants to be certified based on information provided in their applications and examination results;
2. Changes to 6 MCAR §§ 4.6088-4.6100;
3. Changes in examinations and training to meet needs;
4. Action on operator and inspector complaints relating to certification and training; and
5. The number of initial or renewal contact hours to be given for nonagency training courses.

C. Transitional committee. The advisory committee that was established by the agency director to develop 6 MCAR §§ 4.6088-4.6100 shall function as the certification committee until 24 months after the effective date of 6 MCAR §§ 4.6088-4.6100.

6 MCAR § 4.6092 Individuals required to be certified.

A. Operators. Operators of waste disposal facilities shall be certified to operate the appropriate type of facility. The number of certified operators at a waste disposal facility which has three or fewer operators shall be at least one. The number of certified operators at a waste disposal facility which has four to seven operators shall be at least two. The number of certified operators at a waste disposal facility that has eight or more operators shall be at least three.

B. Inspectors. Inspectors of waste disposal facilities shall be certified to inspect the appropriate type of facility.

C. Waiver. Operators of Type IV liquid industrial waste land application facilities that are certified under 6 MCAR

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PROPOSED RULES

§§ 5.001-5.003 are not required to be certified under 6 MCAR §§ 4.6088-4.6100 unless they also operate a land application facility for solids or semi-solids. Operators of Type IV liquid industrial waste land application facilities shall have the option to be certified under 6 MCAR §§ 5.001-5.003 or 6 MCAR §§ 4.6088-4.6100.

6 MCAR § 4.6093 Certification of facility operators.

A. In general. To be certified an operator must demonstrate the skill, knowledge, and experience necessary to operate the appropriate type of facility by qualifying for and passing the appropriate examination required by 6 MCAR § 4.6096.

B. Type I requirements. Before taking an examination, an applicant for certification as an operator of a Type I facility shall:

1. Have a bachelor's degree in an appropriate branch of biological, physical, or chemical science or engineering or equivalent experience;

2. Complete at least 15 contact hours of training offered through the agency or other training courses approved by the agency director which are designed to ensure competency at a Type I facility within three years prior to the date of application; and

3. Have at least six months work experience as a Type I facility operator.

C. Type II requirements. Before taking an examination, an applicant for certification as an operator of a Type II facility shall:

1. Have a high school diploma or equivalent or equivalent experience;

2. Complete at least 15 contact hours of training offered through the agency or other training courses approved by the agency director which are designed to ensure competency at a Type II facility within three years prior to the date of application; and

3. Have at least six months work experience as a Type II facility operator.

D. Type III requirements. Before taking an examination, an applicant for certification as an operator of a Type III facility shall complete at least four contact hours of training offered through the agency or other training courses approved by the agency director which are designed to ensure competency at a Type III facility within three years prior to the date of application.

E. Type IV requirements. Before taking an examination, an applicant for certification as an operator of a Type IV facility shall:

1. Have a high school diploma or equivalent or equivalent experience;

2. Complete at least nine contact hours of training offered through the agency or other training courses approved by the agency director which are designed to ensure competency at a Type IV facility within three years prior to the date of application; and

3. Have at least six months work experience as a Type IV facility operator.

6 MCAR § 4.6094 Certification of facility inspectors.

A. In general. To be certified, an inspector shall demonstrate the knowledge, skill, education, and experience necessary to inspect the appropriate type of waste disposal facility by qualifying for and passing a written examination required by 6 MCAR § 4.6096.

B. Facility inspector requirements. An individual who seeks certification as an inspector of a waste disposal facility shall meet the same educational requirements and contact hours of training outlined for operators of the corresponding facility types as specified in 6 MCAR § 4.6093 before taking an examination. Each applicant shall also have conducted at least ten inspections of the appropriate type of waste disposal facility in the presence of a certified inspector. This inspection requirement does not apply to inspectors of Type I facilities until 24 months after a Type I facility is given a permit to operate in this state.

C. Waiver. The agency director shall waive the requirement of B. for supervised inspections for individuals applying for an inspector certificate within 24 months after the effective date of 6 MCAR §§ 4.6088-4.6100 if the applicant produces evidence of employment as an inspector for that type of facility for at least one year immediately preceding application and has conducted at least ten inspections of the appropriate facility type during that year.

6 MCAR § 4.6095 Application for examination.

A. Form. Application for examination shall be made in writing on a form provided by the agency director and shall be submitted at least 15 days prior to the examination date.

B. Fee. The examination fee shall accompany the application.

C. Review of application. The agency director shall review the application for certification and determine the accuracy of the information included in the application. If the agency director determines that additional information or documentation is

necessary to assess the eligibility of the applicant to take the examination, the director shall notify the applicant. The applicant shall provide the information prior to examination.

D. Notification. The agency director shall notify an applicant of eligibility for examination at least five days before the examination date.

6 MCAR § 4.6096 Examinations.

A. Content. The agency director shall prepare separate operator and inspector examinations for the different types of waste disposal facilities. The examinations shall test the applicant's knowledge in any one or more of the following areas: basic math, science, public health, rules and laws, facility operation, and facility maintenance.

B. Conditions of testing. The examination shall be closed book.

C. Passing grade. A minimum grade of 70 percent shall be required to pass.

D. Results; review. The agency director shall notify the applicant in writing of the examination results. Examinations shall not be returned to the applicant. Upon request, within 60 days after notification of the results, the applicant shall be allowed to review the examination.

E. Re-examination. An applicant who fails to pass the examination shall not retake the same examination for a period of three months.

6 MCAR § 4.6097 Certificates.

A. Use of certificate.

1. Operators shall not be allowed to inspect facilities unless they have a valid inspector certificate.
2. Operators having a Type II facility operator certificate shall be allowed to operate a Type III facility.
3. Inspectors shall not be allowed to operate facilities unless they have a valid operators certificate.
4. Inspectors having a Type II facility inspector certificate shall be allowed to inspect a Type III facility.

B. Issuance. Certificates shall be issued by the agency director when all necessary conditions prescribed in 6 MCAR §§ 4.6088-4.6099 have been met. Certificates shall be valid for three years.

C. Renewal. A certified individual shall apply for certificate renewal within 30 days of certificate expiration. Renewal certificates shall be issued by the agency director when the agency director receives the application, renewal fee, and evidence that the person has, during the preceding three years, obtained credit for attending training courses offered through the agency or other waste disposal facility training courses approved by the agency director for the number of contact hours specified in Exhibit 6 MCAR § 4.6097 C.-1. for the appropriate type of facility. Individuals who are certified under both 6 MCAR §§ 4.6088-4.6100 and 6 MCAR §§ 5.001-5.003 shall be allowed to renew their Type IV certificate by submitting the renewal application, fee and information required by 6 MCAR § 5.003 and evidence of completion of the training hours specified in Exhibit 6 MCAR § 4.6097 C.-1. After confirming that the individual meets the requirements for certificate renewal, the agency director shall issue one certificate which evidences renewal of both the certificate issued under 6 MCAR §§ 4.6088-4.6100 and the certificate issued under 6 MCAR §§ 5.001-5.003.

Exhibit 6 MCAR § 4.6097 C.-1.

Required Training for Certificate Renewal

Facility	Training
Type I	18 Contact hours
Type II	18 Contact hours
Type III	9 Contact hours
Type IV	9 Contact hours

D. List of courses. The agency director shall annually prepare and make available to the operators and inspectors a list of accredited training courses and approved educational activities for which credit may be obtained.

E. Reinstatement. An individual whose certificate has expired may apply to the agency director for reinstatement of the certificate in the same classification. Before a certificate will be reissued the individual must submit the following:

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PROPOSED RULES

1. An application for reinstatement;
2. A nonrefundable fee for a reinstatement certificate; and
3. Evidence of completion of the minimum number of contact hours described in C. since the certificate was last issued or renewed.

F. Denial of reinstatement. An individual who is denied reinstatement shall follow the procedure imposed for a new applicant. In such cases the reinstatement fee shall be credited towards the fee for examination and new certificate.

G. Reciprocity. Operators or inspectors who are certified in states other than Minnesota shall be entitled to certification to operate or inspect the appropriate type of facility in Minnesota if they can provide evidence of meeting requirements equivalent to those of 6 MCAR §§ 4.6088-4.6100.

6 MCAR § 4.6098 Fees.

A. Schedule of fees. Fees for certification shall be as follows:

1. Application examination — \$15.00;
2. Issuance of certificate—\$15.00;
3. Re-examination from failure to pass an examination—\$15.00;
4. Renewal of certificate—\$15.00;
5. Replacement of certificate—\$5.00; and
6. Reinstatement or reciprocity certificate—\$30.00.

B. Refund of fees. The agency director shall return fees received only from individuals who are rejected for examination.

6 MCAR § 4.6099 Sanctions.

A. Criteria. The agency director shall refuse to issue, renew, or reinstate a certificate, suspend or revoke a certificate, or use any lesser remedy against an individual for any of the following reasons:

1. Submission of false or misleading information or credentials in order to obtain or renew a certificate;
2. Failure to meet the requirements for renewal certification; or
3. Incompetency, negligence, or inappropriate conduct in the performance of operator or inspector duties.

B. Investigation. Upon receiving a signed written complaint which alleges the existence of grounds for sanctions against a certified individual, the agency director shall initiate an investigation. No revocation, suspension, or other sanction shall be imposed before notice is given to the certified individual and an opportunity for a contested case hearing is provided.

C. Procedures. Procedures for contested case hearings shall comply with the provisions of the Administrative Procedures Act, Minn. Stat. ch. 15.

D. Return of certificate. Upon revocation or suspension, certified individuals shall return to the agency their certificate and current renewal certificates.

E. Re-certification. An individual whose certificate has been revoked shall not be entitled to apply for re-certification until at least one year following the effective date of revocation or for any longer period of time specified in the revocation order.

F. Reinstatement after suspension. The agency director shall reinstate a suspended certificate if the individual whose certificate has been suspended fulfills the terms of the suspension order and meets all applicable requirements of the rules for obtaining a certificate.

6 MCAR § 4.6100 Certification deadlines. Individuals requiring certification who are employed as operators or inspectors of a disposal facility shall obtain certification within 24 months after the effective date of 6 MCAR §§ 4.6088-4.6100. After this initial 24-month time period, operators or inspectors needing certification must become certified within ten months after obtaining employment. During this ten-month time period, they shall be allowed to operate or inspect the appropriate type of waste disposal facility if they meet the educational requirements necessary for certification and, within 30 days after obtaining employment, submit their application for certification and a signed statement of intention to complete all other requirements for certification within the ten-month time period.

ADOPTED RULES

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

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

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

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

Department of Commerce Board of Barber Examiners

Adopted Rule Amending License and Renewal Fees

The rule proposed and published at *State Register*, Volume 6, Number 22, Pages 1046-1047, November 30, 1981 (6 S.R. 1046) is now adopted as proposed.

Board of Nursing

Adopted Rules Increasing Certain Fees

The Board of Nursing adopts the following fee increases in accordance with the provisions of Minnesota Statutes 1980, § 15.0412, subd. 4, as amended by Minnesota Statutes, 1981 Supplement; and 16A.128, as amended by Minnesota Statutes, 1981 Supplement. All fee increases in the rule have been approved by the Commissioner of Finance.

Rules as Adopted

7 MCAR § 5.1002 Application. The application forms and instructions for filing are provided by the board. The application shall be submitted to the board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a graduate of a Minnesota program shall consist of:

1. The notarized application form,
2. The recommendation from the nursing program director and
3. The fee of ~~\$60~~ \$65, effective July 1, 1982.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official school transcript.

B. A completed application from an out-of-state graduate shall consist of:

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~\$60~~ \$65, effective July 1, 1982,
4. The affidavit of graduation and
5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR § 5.1004 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

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ADOPTED RULES

A.-F. [Unchanged.]

G. The fee for reexamination shall be ~~\$20~~ \$40, effective July 1, 1982, and is required for each reexamination whether one or more sections of the examination are to be rewritten at that time.

H. [Unchanged.]

7 MCAR § 5.1011 Application. The application forms and instructions for filing are provided by the board.

A. A completed application for licensure by interstate endorsement shall include all of the following:

1. The completed and notarized application form;
2. A verification of licensure from the state in which the licensure examination was written;
3. A verification of licensure from the state in which most recently employed if this is different than the state of examination;
4. A satisfactory employment reference from the five years preceding the application. If the applicant has not been employed during this period, a personal reference is substituted;
5. The fee of ~~\$35~~ \$40, effective January 1, 1982; and
6. An affidavit attesting to the required continuing education participation.

B. The applicant may not be employed as a registered nurse in Minnesota until a Minnesota license or permit has been issued.

7 MCAR § 5.1021 Application.

A. [Unchanged.]

B. The foreign educated nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass all parts of the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, immigration form and the fee of ~~\$35~~ \$65, effective July 1, 1982. The board will schedule the foreign educated nurse to write the first examination available after the application is complete within the constraints of space, time, expense, and personnel.

7 MCAR § 5.1031 Registration renewal.

A. Requirements.

- 1.-4. [Unchanged.]
5. The renewal fee shall be ~~\$15~~ \$16 per renewal period, effective August 1, ~~1978~~ 1982.
6. [Unchanged.]
7. An applicant for registration renewal shall pay a penalty fee of ~~\$4~~ \$5, effective June 1, 1982, as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31 of the year in which it was due.

8.-11. [Unchanged.]

B. 1.-10. [Unchanged.]

7 MCAR § 5.1035 Duplicate and replacement documents.

A. 1.-4. [Unchanged.]

B. Renewal certificate.

1. A duplicate renewal certificate shall not be issued.
2. If a renewal certificate is lost, stolen or destroyed, the licensee shall submit written evidence of the situation.
3. Upon written request of the licensee, a Verification of Current Registration shall be issued for a fee of ~~\$3.00~~ \$5, effective January 1, 1982.
4. If a licensee does not receive a renewal certificate which has been issued and notifies the board office within ninety (90) days of date of issuance, a Verification of Current Registration may be issued without a fee.

7 MCAR § 5.1036 Verification of Minnesota license.

A. [Unchanged.]

B. The fee for verification of a license shall be ~~\$5~~ \$10 effective July 1, 1982, for each verification.

C. If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$3~~ \$5 effective January 1, 1982, may be charged.

7 MCAR § 5.2002 Application. The application forms and instructions for filing are provided by the board. The application shall be submitted to the board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a student or graduate of a Minnesota program shall consist of:

1. The notarized application form,
2. The recommendation from the nursing program director, and
3. The fee of ~~\$40~~ \$50, effective July 1, 1982.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official transcript.

B. A completed application from an out-of-state graduate shall consist of:

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~\$40~~ \$50, effective July 1, 1982,
4. The affidavit of graduation, and
5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR § 5.2003 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A.-D. [Unchanged.]

E. The fee for reexamination shall be ~~\$15.00~~ \$25, effective July 1, 1982 and is required for each reexamination.

F. [Unchanged.]

7 MCAR § 5.2011 Application. The application forms and instructions for filing are provided by the board.

A. A completed application shall include all of the following:

1. The completed and notarized application form,
2. A verification of licensure from the state in which the licensure examination was written.
3. A verification of licensure from the state in which most recently employed if this is different than the state of examination,
4. A satisfactory employment reference from the last five years. If the applicant has not been employed for five years or more, a character reference is required in lieu of the employment reference, and
5. The fee of ~~\$25~~ \$30, effective January 1, 1982.

B. The applicant may not be employed as a practical nurse in Minnesota until the Minnesota license has been issued.

7 MCAR § 5.2021 Application.

A. [Unchanged.]

B. The foreign educated practical nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if

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ADOPTED RULES

employed in the United States, the immigration form and the fee of ~~\$25~~ \$50, effective July 1, 1982. The board will schedule the applicant to write the first examination, available after the application is complete within the constraints of space, time, expense and personnel.

7 MCAR § 5.2030 Renewal of registration.

A. [Unchanged.]

B. [Unchanged.]

C. The renewal fee shall be \$15 per 24-month renewal period, effective January 1, 1982. The fee shall be \$16 effective January 1, 1983. Licensees whose registrations expire December 31, 1982, shall pay \$7.50.

D. [Unchanged.]

7 MCAR § 5.2031 Penalty. An applicant for renewal of registration shall pay a late penalty fee of ~~\$4~~ \$5, effective April 1, 1982, as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

7 MCAR § 5.2035 Duplicate and replacement documents.

A. 1.-4. [Unchanged.]

B. Renewal certificate.

1. A duplicate renewal certificate shall not be issued.

2. If a renewal certificate is lost, stolen or destroyed, the licensee shall submit written evidence of the situation.

3. Upon written request of the licensee, a Verification of Current Registration shall be issued for a fee of ~~\$3.00~~ \$5, effective January 1, 1982.

4. If a licensee does not receive a renewal certificate which has been issued and notifies the board office within ninety (90) days of date of issuance, a Verification of Current Registration may be issued without a fee.

7 MCAR § 5.2036 Verification of Minnesota license.

A. [Unchanged.]

B. The fee for verification of a license shall be ~~\$5~~ \$10 effective July 1, 1982, for each verification.

C. If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$3~~ \$5 effective January 1, 1982, may be charged.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota
County of Ramsey

Tax Court
Small Claims Division

Roland C. and Eudora A. Riemers,

Appellants,

v.

Commissioner of Revenue,

Appellee.

In the Matter of the Appeal
from the Commissioner's Order
dated September 26, 1980, re-
lating to assessed additional
income taxes for the years
ended December 31, 1976 and
1977.

Docket No. 3204-S
Order dated February 8, 1982

The above-entitled matter was submitted to the Honorable John Knapp, Chief Judge of the Minnesota Tax Court, on a Stipulation of Facts executed by the Appellants and by Paul R. Kempainen, Special Assistant Attorney General, on behalf of Appellee on or about November 13, 1981, and filed with the Tax Court on that same date. It is an income tax matter involving the tax years 1976 and 1977. The principal issue is whether or not certain contributions claimed to have been made to the Valhalla Universal Life Church by the Appellants are deductible as contributions to an exempt organization.

Mr. Roland C. Riemers, one of the Appellants herein, appeared for the Appellants.

Paul R. Kempainen, Esq., Special Assistant Attorney General, State of Minnesota, appeared for and on behalf of the Appellee.

Syllabus

The Appellants have failed to sustain the burden of proving that Valhalla Universal Life Church is an exempt organization under Minnesota Statutes § 290.05, subd. 1(h). The so-called "church" was operated for purpose of tax avoidance and personal benefit of taxpayers.

In the instant case, the Appellant made the fraudulent application for exempt status of the corporation under Minn. Stat. § 290.05, subd. 1(h) and now contends that he ought to be allowed to take the credits against his own taxable income pursuant to the provisions of Minn. Stat. § 290.21, subd. 3(b). If the Appellant were a stranger to the so-called "church" and had made a bonafide contribution to said "church" and no part of the net earnings of said corporation were to enure to the benefit of the Appellant, then Appellee would be estopped from denying the deduction for the years here in issue; however, the Appellant is not an innocent bystander and cannot be allowed to benefit from an error induced by his fraudulent representations.

From the files and records herein and from the Stipulation of Facts submitted by the parties, the Court makes the following:

Findings of Fact

1. The Appellants, Roland C. Riemers and Eudora A. Riemers, are cash-basis, calendar year taxpayers who were residents of the State of Minnesota during the years at issue herein, 1976 and 1977. For the year 1976, the Appellants filed a combined return as husband and wife. However, in 1977 the Appellants were divorced and Eudora Riemers filed a separate individual income tax return. Only the combined 1976 return and Eudora's separate 1977 return are at issue in this appeal.

2. During the year 1976, Appellant Roland Riemers was employed as a nurse at the Hennepin County Hospital, where he earned \$7,799.14 in wages; and he was also employed as a nurse for Medical Personnel Pool of 6625 Lyndale Avenue South, Minneapolis, Minnesota, where he earned \$2,360.48 in wages.

3. During the year 1976, Appellant Eudora Riemers was employed as a nurse at St. Joseph Hospital in Brainerd, Minnesota, where she earned \$8,023.66 in wages; and she was also employed as a nurse at St. Mary's Villa, Inc. in Pierz, Minnesota, where she earned \$304.87 in wages. During the year 1977, Eudora Riemers continued to be employed as a nurse at St. Joseph Hospital in Brainerd, Minnesota, where she earned \$10,861.30 in wages.

4. On their 1976 combined return the Appellants reported the above amounts of income but claimed a deduction of \$7,942.11 as a contribution to an organization called the Valhalla Universal Life Church. On her separate 1977 return Eudora Riemers also claimed a deduction of \$2,414.00 as a contribution to the Valhalla Universal Life Church.

5. The Valhalla Universal Life Church ("Valhalla") was formed on November 1, 1975, under a charter document received by the Appellants from the Universal Life Church, Inc. of Modesto, California. This charter named the Appellant Roland C. Riemers as Chairman of the Church, and he remained Chairman through 1976 and 1977. Article I, section 2(d), of the constitution lists one of the goals of Valhalla as:

"To be a branch of, *but also separate [sic] of*, Universal Life Church Inc. and *share its tax exempt status* (IRS #94-1599959 & Minn. File #12398)." (Emphasis added)

Article VI, section 3, of the Constitution says under the heading of "Worship":

Realizing the spiritual communication obtainable thru the act of manned flight, Valhalla encourages spiritual worship by flying. With the approval of the Chairman, Valhalla will pay the cost of its members to fly when it is done for the purpose of worship, meditation, or other good church business.

Valhalla was never incorporated under the laws of any state, and since 1977, Valhalla has ceased to be an active organization.

6. On December 8, 1975, Appellant Roland Riemers signed and submitted a request for exempt classification for Valhalla to the Minnesota Department of Revenue. The application provides as follows:

"No part of the organization's income inures to the benefit of any private individual or stockholder."

Three days later a letter signed by W. W. Remington, Research Attorney for the Income Tax Division, was sent to Valhalla in response to the exemption request, which stated as follows:

TAX COURT

"It has been determined that the above-named organization, as presently organized and conducted, is exempt from income tax under Section 290.05, subd. 1(h). It is further determined that the organization is exempt from the employer's excise tax under Section 290.031."

On July 11, 1980, the Department of Revenue sent another letter to Valhalla rescinding the previous letter of December 11, 1975, and revoking Valhalla's exempt status.

7. Under a pre-trial discovery order the Appellants were told to produce the check records of the Valhalla Universal Life Church for the years 1976 and 1977. However, Appellant Roland Riemers replied that he is not able to find any of the records in question.

8. In conducting an audit of Appellants' 1976 and 1977 returns, the Minnesota Department of Revenue denied their contribution deduction claims. On September 26, 1980, the Commissioner issued his assessment orders against Appellants for each of the years in question. Said orders set forth the following:

	<u>Tax</u>	<u>Interest</u>	<u>Total</u>
1976 Combined Return	\$831	\$224.10	\$1,055.10
1977 Separate Return for Eudora Riemers Only	\$253	\$ 46.72	\$ 299.72

9. The Appellants have filed a timely appeal with the Tax Court from these orders.

10. The Memorandum herein is made a part of these findings.

Conclusions of Law

1. The alleged transfers of money made by Appellants to the Valhalla Universal Life Church are not deductible as contributions to a tax exempt organization under Minn. Stat. § 290.21, subd. 3(b).

2. The Order of the Commissioner of Revenue herein dated September 26, 1980, is correct and proper and should be affirmed in all respects.

LET JUDGMENT BE ENTERED ACCORDINGLY.

By the Court,
John Knapp, Chief Judge
Minnesota Tax Court

Memorandum

The issue herein is whether or not the commissioner correctly disallowed the Appellant's deduction claims for their alleged contributions to Valhalla Universal Life Church, an organization formed and controlled by the Appellants themselves.

Minnesota Statute § 290.05, subd. 1(h), enumerates the corporations, individuals, estates, trusts and organizations which shall be exempt from taxation. It reads as follows:

290.05 Exempt individuals, organizations, estates, trusts

Subdivision 1. The following corporations, individuals, estates, trusts, and organizations shall be exempted from taxation under this chapter, provided that every such person or corporation claiming exemption under this chapter, in whole or in part, must establish to the satisfaction of the commissioner the taxable status of any income or activity:

(h) Corporations operating or conducting public burying grounds, public schoolhouses, public hospitals, academies, colleges, universities, seminaries of learning, churches, houses of worship, and institutions of purely public charity, no part of the net income of which inures to the benefit of any private member, stockholder, or individual;

Minnesota Statutes § 290.21 provides what credits may be deducted after a determination of the taxable net income. It reads in pertinent part as follows:

290.21 CREDITS AGAINST TAXABLE NET INCOME. Subdivision 1. The taxes imposed by this chapter shall be on or measured by, as the case may be, the taxable net income less the following credits.

Subd. 2. A credit of \$500 in the case of each corporation.

Subd. 3. An amount for contribution or gifts made within the taxable year:

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual.

The Appellants have the burden of proving that they are entitled to the deduction for charitable contributions that they have

claimed on their income tax return. *Welch v. Helvering*, 290 U.S. 111. The Appellants must substantiate the character of the donee church as a qualifying organization under the requirement of Minn. Stat. § 290.05, subd. 1(h).

Appellants' application for exemption dated December 8, 1975, was not made in good faith. The Appellant knew all along that the organization's income would inure to his own private benefit.

The commissioner's earlier ruling (dated December 11, 1975) that the Valhalla Church was tax exempt was clearly based on a mistake of fact and a fraudulent representation by the Appellant to the effect that no part of the organization's income inures to the benefit of any private individual or stockholder. Valhalla is not a tax exempt organization nor can it share in the tax exempt status of the national organization called The Universal Life Church, Inc.

In the instant case the taxpayers intended to, and did, receive substantial economic benefit from the very organization to which they reportedly transferred \$7,942 of their total 1976 gross income of \$18,489. It is clear that such a transfer is not "a contribution or gift" within the meaning of Minn. Stat. § 290.21, subd. 3. Valhalla Universal Life Church is not an organization "no part of the net earnings of which inures to the benefit of any private . . . individual." The evidence is clear that a substantial part, if not all, of its income is held for the purpose of inuring to the personal benefit of the Appellants.

When this mistake of fact was discovered on review by the commissioner, he moved to correct it by rescinding the earlier letter and revoking the tax exempt status on July 11, 1980. The retroactive application of this revocation, resulting in additional income tax assessments for the Appellants' tax years 1976 and 1977, cannot be considered an abuse of discretion by the Commissioner of Revenue under the circumstances of this case. These circumstances include the obvious tax avoidance purpose of the Appellants in setting up the Valhalla Universal Life Church.

Moreover, the Appellants cannot legitimately claim surprise, because the statute of limitations left both of the years in question open for audit.

The issues raised in this appeal, at least as to tax year 1976, have already been decided adversely to the Appellants by the United States Tax Court in the case of *Roland Riemers and Eudora Riemers*, T.C. Memo 1981-456 (August 24, 1981). That decision is made a part of this Memorandum.

In *Riemers, supra*, these same taxpayers were claiming to be entitled to a contribution deduction of \$7,942 on their 1976 federal income tax return. As in the instant case, they claimed to have made this contribution to the Valhalla Universal Life Church. However, the deduction was disallowed by the United States Tax Court, which said in its official syllabus:

Petitioners claimed a deduction under sec. 170, I.R.C. 1954, for alleged contributions to the Valhalla Universal Life Church. [1] Held, petitioners have neither substantiated the full amount of the claimed contributions nor proven that the Valhalla Universal Life Church was an organization under sec. 170 (c) (2), I.R.C. 1954, to which deductible contributions could be made. [2] Held further, petitioners are liable for the addition to tax under sec. 6653(a), I.R.C. 1954, for negligence and intentional disregard of rules and regulations.

On the issue of whether the Valhalla Universal Life Church was an organization to which tax deductible contributions could be made, the U.S. Tax Court said in its opinion as follows:

Petitioner Roland C. Riemers testified at trial that the doctrine of the Universal Life Church is that an individual can have his own particular belief. The Valhalla Universal Life Church constitution expands on this by stating that one of the objects of the church is "[t]o be a branch of * * * the Universal Life Church, Inc. and share its tax exempt status (IRS #94-1599959 & Minn. File #12398)." Furthermore, the evidence indicates that the church paid rent on a residence for petitioners, as well as expenses associated with a summer home and car for petitioners. *As such, it appears that the Valhalla Universal Life Church was not organized and operated exclusively for religious purposes but was operated for tax avoidance and for the personal inurement to the petitioners and their family and relatives.* (Emphasis added.)

While the U.S. Tax Court's decision in *Riemers, supra*, does not constitute binding precedent upon this Court (inasmuch as the issue is one of itemized deductions rather than federal adjusted gross income), it nevertheless stands as strong authority for upholding the commissioner's determination that Appellants are not entitled to the contribution deductions claimed by them on their Minnesota income tax returns. For this reason alone, the Commissioner's Orders herein should be affirmed.

Even without the United States Tax Court having already ruled on the question, it is clear that the Appellants' deduction claims were properly disallowed by the commissioner under the statutory limitations placed upon such deductions.

Among the various limitations placed upon the deduction by the above statute, it is clear that at least two of them prevent the taxpayers herein from claiming any deduction for alleged transfers made to the Valhalla Universal Life Church:

(1) Any such transfer would not be a "contribution or gift" as those terms have been defined by the courts, and (2) The purported transfers were not made to an organization "no part of the net earnings of which inures to the benefit of any private stockholder or individual."

TAX COURT

In the instant case, it is obvious that any transfer of personal income made by the taxpayers to their wholly-controlled Valhalla church was made solely with the intent that virtually all of that income would remain available to taxpayers for the payment of their personal debts and living expenses. The structure of the organization was such that the taxpayer Roland Riemers retained overall control over its financial affairs as the charter appointed "Chairman."

This conclusion is made even more compelling by the facts that the taxpayer Roland Riemers was a founder of Valhalla; and, even though he was "Chairman," he could not produce any of the check records of the Valhalla church in response to the pre-trial discovery order of this Court.

Against this background, it should be noted that the U.S. Tax Court said in *Riemers, supra*, that the evidence in that case: "[I]ndicates that the church paid rent on a residence for petitioners, as well as expenses associated with a summer home and car for petitioners."

In view of these facts it is clear that the "church" charter, constitution and by-laws relied upon by the taxpayers in this case are in substance nothing more than a sham. They constitute a pre-conceived scheme to provide these taxpayers with a means for either getting a tax exemption on their income altogether, or taking deductions for so-called "contributions" which are in fact made available to pay the taxpayers' own personal living expenses.

Rather than arguing on the merits of their claimed contribution deduction, the Appellants' Brief spends most of its time asserting that the commissioner cannot seek or use new information as a part of this Tax Court appeal. However, the law is clear that all Tax Court cases are to be heard and considered on a *de novo* basis (Minn. Stat. § 271.06, subd. 6); that is, anew or afresh, as if no previous action had been taken or facts determined on the case. Under this rule the commissioner was perfectly within his rights to seek and use additional information in this case.

The other chief argument made in Appellants' Brief is that the rescission and revocation of Valhalla's mistakenly granted tax exempt status could not be made retroactive to the tax years at issue herein. Appellants claim that this amounts to an *ex post facto* law prohibited by the United States Constitution. However, it is by now well settled that the expression "ex post facto" used in Article I, section 10, cf. 1 of the United States Constitution relates only to crimes and their punishment and has no application to civil matters. See, *Watson v. State Commissioner of Banking*, 223 A2d 834 (Maine, 1966), app. dism. 389 U.S. 9, 88 S. Ct. 85, 19 L. Ed. 2d 9. Inasmuch as the case at hand is purely a civil income tax matter, the constitutional prohibition of *ex post facto* laws is therefore irrelevant.

There is nothing in the law that we are aware of which prohibits the Commissioner of Revenue from retroactively correcting a mistake of law made in a previous ruling. See, e.g., *Automobile Club v. Commissioner of Internal Revenue*, 353 U.S. 180, 77 S.Ct. 707, 1 L. Ed. 2d 746 (1957), wherein the U.S. Supreme Court was faced with a case where the IRS had mistakenly ruled during the 1930's that the Automobile Club of Michigan was a tax exempt organization, but subsequently revoked that ruling in 1945 and made the revocation retroactive to 1943 and 1944. The Automobile Club's arguments of equitable estoppel were rejected by the Supreme Court, which said in 353 U.S. at 183, 77 S.Ct. at 707:

The Commissioner's earlier rulings were grounded upon an erroneous interpretation of the term "club" in s 101(9) and thus were based upon a mistake of law. * * * * * The petitioner argues that, in light of the 1934 and 1938 rulings, the Commissioner was equitably estopped from applying the revocation retroactively. This argument is without merit. *The doctrine of Equitable estoppel is not a bar to the correction by the Commissioner of a mistake of law.* (Emphasis added.)

It is clear that the commissioner was correct in disallowing taxpayer's claimed contribution deductions.

J.K.

SUPREME COURT

Decisions Filed Friday, February 19, 1982

Compiled by John McCarthy, Clerk

81-342, 81-372/SP *Material Movers, Inc., Appellant (81-372) v. Vera Hill, et al., Appellant (81-342)*. Freeborn County.

Neither the parol evidence rule nor Minn. R. Evid. 403 justifies exclusion of oral evidence relating to ambiguous and incomplete terms of a construction contract.

Where the record contains evidence of willful and intentional deviations from the terms of a construction contract, defendants are entitled to an instruction that substantial performance cannot exist where such deviations have been made.

Attorneys fees and prejudgment interest were properly denied on these facts.

Affirmed in part; reversed and remanded in part. Peterson, J.

51771/SP Jack Davies, *et al.* petitioners, Appellants v. City of Minneapolis, *et al.*, and First Trust Company of St. Paul, intervenor, Metropolitan Council, intervenor, and Metropolitan Sports Facilities Commission, intervenor. Hennepin County.

Legislation authorizing the issuance of bonds and levying of a liquor tax for construction of a domed stadium in Hennepin County was special legislation under article XII, section 2 of the Minnesota Constitution.

A proposed charter amendment to preclude further levy of an excise tax in City of Minneapolis which was used to partially fund repayment of bonds sold to construct a domed stadium was manifestly unconstitutional. A city council is not required to submit an unconstitutional charter proposal to the voters.

Affirmed. Todd, J. Dissenting, Yetka and Wahl, JJ. Took no part, Kelley, J.

81-273/SP In the Matter of the Welfare of Carrie McDonald. Hennepin County. Affirmed. Todd, J.

81-346/SP State of Minnesota v. Kevin J. Schantzen, Appellant. Olmsted County.

Evidence identifying defendant as perpetrator of aggravated robbery of hospital pharmacy was sufficient to justify guilty verdict and trial court did not commit prejudicial error in admitting identification testimony or other-crime evidence.

Affirmed. Yetka, J.

50180/SP In the Matter of the Application for the Discipline of Victor John Michaelson, Jr., an Attorney at Law of the State of Minnesota. Supreme Court.

Petition for disbarment denied; suspension under the order of October 10, 1980, continued. Per Curiam. Took no part, Kelley, J.

81-209/SP State of Minnesota v. Chris N. Miller, Appellant. Hennepin County.

Difficult issues involving legality of defendant's warrantless arrest need not be decided by this court on appeal where there is a reasonable possibility that trial court, on remand, will determine that confession obtained following the arrest was not the suppressible product of the arrest but of an earlier clearly valid warranted search, thereby obviating the need to decide the arrest issue.

Defendant's right to a fair trial by court without jury was not violated when court received and read the presentence investigation report before announcing the finding of guilty of two of the five charges where this was done at defense counsel's request and without objection.

Remanded. Rogosheske, J. Took no part, Kelley, J.

Order Filed February 10, 1982

81-1223/SP Susan D. Miller, *et al.* v. Tom Foley, County Attorney, Ramsey County, *et al.*, Appellants. Ramsey County.

Reversed with opinion to follow. Scott, 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 Health Disease Prevention and Control Division

Notice of Request for Proposals for Hypertension Control Programs

The Division of Disease Prevention and Control is seeking non-profit or public organizations to provide hypertension control programs. These programs, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP) statement of work. The formal RFP may be requested and inquiries should be directed to:

Michael E. Moen or John W. Washburn
Division of Disease Prevention and Control
Minnesota Department of Health
717 S.E. Delaware Street
Minneapolis, Minnesota 55440

It is anticipated that eight-nine projects will be funded for approximately \$15,000 per project. The deadline for the submission of preliminary proposals will be the close of the working day of April 5, 1982.

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 Board on Aging

Notice of Intent to Designate an Area Agency on Aging

In accordance with 45 CFR 1321.81 the Minnesota Board on Aging is required to designate an area agency on aging in each planning and service area in which the MBA decides to allocate funds. Due to elimination of the area agency on aging from the 1983 work program of the West Central Regional Development Commission, effective June 30, 1982 the planning and service area comprised of Becker, Clay, Douglas, Grant, Ottertail, Pope, Stevens, Traverse, and Wilkin counties will be without a designated area agency on aging. This PSA is also known as Region 4. Approximately \$773,000 has been allocated to Region 4 for 1982..

Area Agency on Aging Designation Guidelines

Procedures for Designation

To apply for designation as an Area Agency on Aging for a particular planning and service area, an interested agency must file a letter of intent with the MBA. Upon MBA determination that the interested agency is an eligible applicant, appropriate application instructions and forms will be forwarded. Before designating an area agency, the state agency must—

1. Consider the views of the unit(s) of general purpose local government within the planning and service area; and
2. Conduct an on-site assessment to determine whether the agency which is being considered for designation has the capacity to perform all of the functions of an area agency as specified.

Functions of Area Agency Agencies on Aging

An area agency must—

- a. Develop and administer the area plan for a comprehensive and coordinated system of services; and
- b. Serve as the advocate and focal point for older persons in the planning and service area.

Definition of Area Plan

An area plan is the document submitted by an area agency to the state agency in order to receive subgrants or contracts from the state agency. The area plan contains provisions required by the Older Americans Act and commitments that the area agency will administer all activities in accordance with all Federal requirements. An area agency may use its subgrants or contracts only for activities under its approved plan.

Eligibility Criteria

The state agency may designate as an area agency any one of the following types of agencies that has the authority and the capacity to perform the functions of an area agency:

- a. An established office on aging which operates within the planning and service area;
- b. Any office or agency of a unit of general purpose local government that is proposed by the chief elected officials of the unit;
- c. Any office or agency proposed by the chief elected officials of a combination of units general purpose local government (such as Regional Development Commissions);
- d. Any other public or private nonprofit agency.

Organization of the Area Agency on Aging

An area agency may be either—

- a. An agency whose single purpose is to administer programs for older persons; or
- b. A multipurpose agency with the authority and capacity to administer human services in the area.

Selection Criteria**a. Agency Capacity**

The degree to which an applicant can demonstrate capacity to—

1. Develop and administer an area plan;
2. Serve as the advocate and focal point for older persons;
3. Meet or exceed federal and state policy and procedural requirements; and
4. Provide for sound fiscal planning, management, and control.

b. Organizational Compatibility

The degree to which an agency can demonstrate compatibility between organizational goals and the goals of the Older Americans Act through—

1. Documentation of agency mission and clarity of purpose;
2. Historical commitment to the well-being of older people; and
3. Explanation of planning and coordinating role in the community.

c. Community Support

The degree to which an agency can demonstrate—

1. Ability to provide adequate matching resources to meet the nonfederal share of AAA administrative costs;
2. Support of local governmental bodies in the planning and service area; and
3. Support of senior citizen programs, organizations, and clubs within the planning and service area.

d. Preference

In accordance with 45 CFR 1321.63 b, preference shall be given to—

1. An established office on aging; and
2. Any Indian tribal organizations where appropriate.

OFFICIAL NOTICES

Deadlines

Letters of intent must be received by the MBA on or before April 15, 1982. Applications for Designation must be received by the MBA by May 15, 1982. Final action shall be taken by the MBA on June 18, 1982 effective July 1, 1982. Both letters of intent and application for designation should be submitted to:

Minnesota Board on Aging
204 Metro Square
Seventh and Robert Streets
St. Paul, MN 55101
Attn: Ted Gredvig, Director
Program Operations
612/216-2137

Department of Commerce Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Board Meeting

The next meeting of the board is scheduled for 9:30 a.m. Wednesday, March 10, 1982 in the Department of Commerce Hearing Room, 5th Floor, Metro Square, St. Paul. The board will review the report of the hearing examiner in the case of James Bridell v. the Board; review results from the recent architectural, engineering, and land surveying examinations; and any matters that may be brought before the board by visitors at the meeting. Please contact Lowell E. Torseth, 296-2388, for further information.

Department of Commerce Banking Division

Bulletin No. 2528: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of March 1982

Notice is hereby given that pursuant to Minnesota Statutes § 47.20, subd. 4a, 1980, the maximum lawful rate of interest for conventional home mortgages for the month of March 1982 is seventeen and one-quarter (17.25) percentage points. Further, pursuant to Minnesota Statutes § 47.20, the maximum lawful rate of interest for contracts for deed for the month of March 1982 is seventeen and one-quarter (17.25) percentage points.

It is important to note that this maximum lawful interest rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

This is the same rate as set for January and February 1982 and is based on the Federal National Mortgage Association (FNMA) December 22, 1981, auction results and an average yield for conventional mortgage commitments of 17.073%. No offers were accepted by FNMA at the January 19 or the February 17, 1982, auctions. In this case, Minnesota Statutes § 47.20, subd. 4a, provides that the previous month's rate continues in effect. The next FNMA auction, for purposes of Minnesota Law, is scheduled for March 6, 1982, and will be the basis for the April maximum rate. Current rates regarding the monthly publication are available by telephoning the Banking Division's 24-hour information number, (612) 297-2751.

February 19, 1982

Michael J. Pint
Commissioner of Banks

Department of Natural Resources

Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Dakota County

Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat.

§ 105.391, subd. 1 (1980) will be held in the County Board Room, Dakota County Government Center, on March 24, 1982, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of county representative Joseph Harris, 1282 W. 14th St., Hastings, MN 55033, Department of Natural Resources representative Karen Loechler, 1200 Warner Road, St. Paul, MN 55106, and County Soil and Water Conservation District representative Dwain Otte, Rural Route, Randolph, MN 55065.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1980). Please take notice that waters listed in paragraph A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

A. PUBLIC WATERS

1. Watercourses.

NAME	SECTION	From TOWNSHIP	RANGE	SECTION	To TOWNSHIP	RANGE
Unnamed to VR	9	114 (Empire)	19	23	114 (Empire)	19
Unnamed to VR	16	114 (Empire)	19	23	114 (Empire)	19
Spring Creek	25	112 (Sciota)	19	25	112 (Sciota)	19

2. Preliminarily designated under section 105.37, subds. 14(a)-14(h).

NUMBER AND NAME	SECTION	TOWNSHIP	RANGE
19-30 : Kingsley Lake	1,2	114 (Lakeville)	21
19-31 : Orchard Lake	1,2,11,12	114 (Lakeville)	21
19-41 : Marcott Lake	17	27 (Inver Grove Hts.)	22

B. WETLANDS

NUMBER AND NAME	SECTION	TOWNSHIP	RANGE
19-39 : Marcott Lake	17	27 (Inver Grove Hts.)	22
19-40 : Marcott Lake	17	27 (Inver Grove Hts.)	22
19-42 : Marcott Lake	20	27 (Inver Grove Hts.)	22
19-88 : Unnamed	21	28 (So. St. Paul)	22
19-123: Unnamed	3	27 (Eagan)	23
19-124: Unnamed	11	27 (Eagan)	23
19-134: Unnamed	11	27 (Eagan)	23
19-135: Unnamed	11	27 (Eagan)	23
19-136: Unnamed	11,12	27 (Eagan)	23
19-246: Unnamed	4,5	27 (Inver Grove Hts.)	22
19-283: Unnamed	21	27 (Inver Grove Hts.)	22
19-342: Unnamed	15	114 (Empire)	19
19-347: Unnamed	32	115 (Apple Valley)	20
19-385: Unnamed	2	114 (Lakeville)	21
19-403: Unnamed	25	114 (Lakeville)	21
19-416: Unnamed	8	112 (Greenvale)	20
19-419: Unnamed	1	113 (Eureka)	20
19-432: Unnamed	17,18	112 (Waterford)	19
19-438: Unnamed	NE 10	27 (Eagan)	23

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425 (1980).

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

OFFICIAL NOTICES

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this notice and order may be directed to any member of the hearings unit to

David B. Milles
DNR—Division of Waters
Third Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-2835.

Dated: February 18, 1982

Joseph N. Alexander, Commissioner
Department of Natural Resources

Metropolitan Waste Control Commission

Notice of Public Hearing

Property Sale

In accordance with Minnesota Statutes 473-504, the Metropolitan Waste Control Commission proposes to sell to the City of Minneapolis, Department of Public Works, property located at 37th Avenue N.E. and East River Road, Fridley, Minnesota, containing 39.22 acres which is bound by the Minneapolis Water Works, Mississippi River, 37th Avenue N.E. and East River Road.

Terms and conditions of the sale are available from Anthony C. Gnerre, Deputy Chief Administrator, Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, MN (612) 222-8423.

For the purpose of receiving public comment on the sale of this site, the Metropolitan Waste Control Commission will hold a public hearing on Tuesday, March 16, 1982 at 3:00 P.M. in the Metropolitan Waste Control Commission's central office, 350 Metro Square Building, St. Paul, Minnesota.

Anthony C. Gnerre
Deputy Chief Administrator
Metropolitan Waste Control Commission

Minnesota Pollution Control Agency

Notice of Intent to Act on Proposed Operating Permit

Notice is hereby given that the Minnesota Pollution Control Agency Board will consider issuance of an Air Quality Operating Permit to the Northern States Power Company (NSP), St. Paul, Minnesota, for the High Bridge Generating Plant located at 501 Shepard Road, St. Paul, Ramsey County, Minnesota 55102.

The operating permit being considered for issuance is an Air Quality Total Facility Operating Permit for Boilers No. 9, 10, 11, and 12 which are fired with pulverized coal and used to generate steam. In addition, NSP has proposed to incinerate polychlorinated biphenyl (PCB) contaminated oil in NSP's high-efficiency Boiler No. 12 at the High Bridge plant. The proposed permit authorizes NSP to conduct a trial burn of not more than 25,000 gallons of PCB-contaminated oil over a period of 1 to 3 days. The proposed permit requires appropriate stack testing of atmospheric emissions to confirm the capability of Boiler No. 12 to destroy PCBs in the contaminated oils.

The proposed permit also specifies transport and storage procedures and requirements.

The agency board will consider this operating permit at its March 30, 1982 meeting.

Any person may request the agency to hold a public hearing on this permit issuance. Such a request should be submitted in writing to the director of the agency at least 14 days prior to the regular agency meeting at which the permit issue is going to be considered so that the hearing request matter can also be placed on the agenda and addressed at the same meeting. To assist the agency in making a decision regarding the authorization of a public hearing on the proposed permit, a person submitting a hearing request should include comments on the following:

1. The person's interest in the draft permit;
2. A statement of the action the person wishes the agency to take, including specific references to any section of the draft permit which the person believes should be changed;
3. The reasons supporting the requester's position, stated with sufficient specificity as to allow the director to investigate the merits of the person's position;
4. The reasons the person desires the agency to hold a public hearing and the specific questions or issues the person would like the agency to address at the public hearing.

Interested persons are invited to submit written comments by March 25, 1982. Appearances before the board can be pre-arranged by written request or arranged the day of the meeting by signing the appropriate register. Written comments or oral presentations will be considered by the board prior to issuance or denial of the operating permit.

Mail comments to:

Bernard E. Gallagher
Engineering Review Unit
Division of Air Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

All materials relating to the issuance of this operating permit are available for inspection at the Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minnesota, 55113, between the hours of 8:00 am and 4:30 pm, Monday through Friday, State Holidays excluded.

Dated this 26th day of February, 1982.

Louis J. Breimhurst, Executive Director
Minnesota Pollution Control Agency

Minnesota Pollution Control Agency Solid and Hazardous Waste Division

Notice of Request for Credentials for an Investigation of Water Treatment for the Removal of Polynuclear Aromatic Hydrocarbons and other Coal Tar Derivatives from Contaminated Ground Water

The Minnesota Pollution Control Agency (MPCA) is issuing a Request for Credentials (RFC) for consulting firms qualified to conduct an investigation to review and assess water treatment alternatives, conduct bench tests of potential water treatment alternatives, conduct pilot plant studies of effective alternative(s), investigate alternative sources of potable water, conduct a cost effectiveness analysis of the water supply and gradient control options proposed in the Hickok report, 1981, and, if an effective method of treatment is demonstrated, outline a scope of work and present cost for plans and specifications for removal of polynuclear aromatic hydrocarbons (PAH) from contaminated water supplies in St. Louis Park. The purpose of the water treatment is to remove PAH present in the ground water to levels measured in low nanograms per liter. However, the presence of other organic chemicals will be investigated. Bench tests will also be conducted on more heavily contaminated ground water to assess the range of effective PAH removal.

The consulting firms most qualified to conduct the investigation will be invited to prepare and submit study proposals. The selection will be based on the submitted statement of credentials. The selected group of firms will attend an informational meeting prior to preparing study proposals. A proposal for the plan of study SHOULD NOT be submitted with the statement of credentials.

The complete text of the RFC and the project description may be obtained from:

Richard R. Ferguson
Solid and Hazardous Waste Division
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

The deadline for receipt of the statement of credentials is March 22, 1982, 4:30 p.m.

**Department of Public Welfare
Mental Health Bureau**

Notice of Intent to Solicit Outside Opinion on Proposed Rule Concerning Grants for Services to Mentally Ill Persons in Residential Facilities

Notice is hereby given that the Minnesota Department of Public Welfare is considering a draft rule, 12 MCAR § 2.012, Grants for Services to Mentally Ill Persons in Residential Facilities. This rule will replace 12 MCAR § 2.001 [Temporary].

This rule will govern grant applications, approval of applications, allocation of grants and maintenance of service and financial records. This relates to a new grant program authorized by the 1981 Legislature for mentally ill persons in residential facilities. The grants will be made to county boards to help residential facilities meet licensing standards.

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 addressed to:

John Zakelj
Mental Health Bureau, Department of Public Welfare
Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-4426.

All statements of information and comment must be received by March 22, 1981. Any written material received by the Department shall become part of the hearing record.

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is March 23, 1982.

CABLE COMMUNICATIONS BOARD has 1 vacancy open immediately for a public member. The board establishes rules and standards for cable communications in the state. It approves service territories, provides consultant services, and represents the state before the Federal Communications Commission. Members are appointed by the Governor and confirmed by the Senate; members must file with the EPB and may not be employed by or have financial interest in any cable communications company or subsidiaries. No more than 4 members may be of the same political party. Meetings are monthly; members receive \$35 per diem plus expenses. For specific information, contact the Cable Communications Board, 500 Rice St., St. Paul 55103 (612) 296-2545.

COUNCIL FOR THE HANDICAPPED has 4 vacancies open immediately for 3 public members and 1 service provider. Applicants must be from regions 2, 5 and 11. The council advises the Governor, Legislature, service-providing agencies and the public on the needs and potentials of people with physical, mental or emotional disabilities. Members are appointed by the Governor. Meetings are bi-monthly. Members receive \$35 per diem plus expenses. For specific information, contact the Council for the Handicapped, Suite 208, Metro Square Bldg., St. Paul 55101 (612) 296-6785.

ADVISORY COUNCIL FOR THE MINNESOTA BRAILLE AND SIGHT-SAVING SCHOOL has 1 vacancy open immediately for a professional member. The council advises the Board of Education on the management of the Braille and Sight-Saving School in Faribault. Members are appointed by the Board of Education. Monthly meetings are held in the Twin Cities or Faribault; members receive \$35 per diem plus expenses. For specific information, contact the Advisory Council for the Minnesota Braille and Sight-Saving School, P.O. Box 308, Faribault 55021, (507) 332-3363.

INVESTMENT ADVISORY COUNCIL has 1 vacancy open immediately for a member with experience in general investment matters. The council advises the Board of Investment on policy relating to investments of state funds. Members appointed by the Board of Investment. Members must file with EPB, and receive no compensation. For specific information, contact the Investment Advisory Council, MEA Bldg., Rm. 105, 55 Sherburne Ave., St. Paul 55155; (612) 296-3328.

ETHICAL PRACTICES BOARD has 1 vacancy open immediately for term expiring in January 1985. The board administers campaign financing for state candidates; economic interest disclosure for state and metropolitan public officials; and lobbyist

registration and reporting. Monthly meetings are held; members are appointed by the Governor and confirmed by the House and Senate, and receive \$35 per diem plus expenses. For specific information, contact the Ethical Practices Board, 41 State Office Building, St. Paul 55155, (612) 296-5148.

**Waste Management Board
Pollution Control Agency**

**Notice of Hearing for Proposed Candidate Sites for Hazardous Waste Disposal
Facilities (Aitkin, Marshall, Kittson, St. Louis Sites Only)**

The Minnesota Waste Management Board and the Minnesota Pollution Control Agency will hold hearings on the first group of proposed candidate sites for hazardous waste disposal facilities at the following times and locations.

	SITE	SITE LOCATION			HEARING LOCATION	TIME	
		Township	Range	Section		Start	Reconvene
MONDAY 3/15	Marshall 2	157 N	41 W	24	Grygla Lions Community Center	9 AM	7 PM
		157 N	40 W	19, 30, 31			
MONDAY 3/15	St. Louis	53 N	17 W	36	Faith Lutheran Church, Culver	9 AM	7 PM
		52 N	17 W	1, 12			
TUESDAY 3/16	Marshall 3	155 N	39 W	33, 34, 35	Grygla Lions Community Center	9 AM	7 PM
WEDNESDAY 3/17	Aitkin 1	52 N	26 W	20, 21, 28, 29	Quadna Lodge, Hill City	9 AM	7 PM
THURSDAY 3/18	Marshall 1	158 N	44 W	33, 34	Middle River: Spruce Valley Community Center	9 AM	7 PM
THURSDAY 3/18	Aitkin 3 & 4	46 N	23 W	7	MacGregor VFW Hall	9 AM	7 PM
		46 N	24 W	1, 11, 12, 13, 14			
FRIDAY 3/19	Kittson	163 N	45 W	8, 9, 16	Lancaster City Hall	9 AM	7 PM

Please note that all hearings will start at 9 a.m. and will continue until all persons in attendance have had the opportunity to testify. Each hearing will reconvene at 7 p.m. to accommodate those who cannot attend a daytime hearing, and will continue until all persons in attendance have had the opportunity to testify.

The Minnesota Pollution Control Agency is interested in gathering additional information on the intrinsic suitability of the proposed sites. The Minnesota Waste Management Board is also interested in information related to the intrinsic suitability of the proposed sites as well as any other information that relates to the suitability of the proposed sites for a hazardous waste disposal facility.

Procedures for the hearings were published at 6 S.R. 1450, February 15, 1982. Questions regarding the hearing may be directed to the following persons.

Robert Pulford
Minnesota Waste Management Board
2373 58th Avenue North
Crystal, MN 55424
Phone (612) 536-0816, 1-800-652-9747

John Holck
Minnesota Pollution Control Agency
1935 W. Co. Rd. B2
Roseville, MN 55113
Phone (612) 297-2707

OFFICIAL NOTICES

Minnesota Water Resources Board

Notice of Hearing on the Adopted Overall Plan of the "Carnelian-Marine Watershed District"

A public hearing on the adopted Overall Plan of the "Carnelian-Marine Watershed District" will begin at 1:30 p.m. on Thursday, March 18, 1982, in the Council Chambers of the Municipal Building of the City of Stillwater, 216 North Fourth Street, Stillwater, Minnesota 55082.

A complete Notice of and Order for Hearing will be published in the February 26 and March 5, 1982 editions of the *Stillwater Gazette*. Copies of the complete notice are also available from the Minnesota Water Resources Board's office at 555 Wabasha Street, St. Paul, Minnesota 55102, (612-296-2840).

Duane Ekman, Chairman
Minnesota Water Resources Board

STATE OF MINNESOTA

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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.

Perspectives—Publication about the Senate. Contact Senate Information Office.

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.

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