

82 Mar. 15

# STATE REGISTER

STATE OF MINNESOTA

RECEIVED

MAR 15 1982

LEGISLATIVE REFERENCE LIBRARY  
STATE CAPITOL  
ST. PAUL, MN. 55155



**VOLUME 6, NUMBER 37**

**March 15, 1982**

**Pages 1569-1600**



---

---

### 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
<b>SCHEDULE FOR VOLUME 6</b>			
38	Monday March 8	Monday March 15	Monday March 22
39	Monday March 15	Monday March 22	Monday March 29
40	Monday March 22	Monday March 29	Monday April 5
41	Monday March 29	Monday April 5	Monday April 12

\*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.

---

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.00 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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*.

---

Albert H. Quie  
Governor

Carol Anderson Porter  
Editor

David Zunker  
Information Officer

James J. Hiniker, Jr.  
Commissioner  
Department of Administration

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg  
Editorial Staff

Stephen A. Ordahl  
Director  
State Register and  
Public Documents Division

Debbie Kobold  
Circulation Manager

Margaret Connelly  
State Register Index Editor

# CONTENTS

## MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 27-37 .....1572

## PROPOSED RULES

### Administration Department

#### Telecommunications Division

Repeal of Intercept Service Requirement for Telephone Exchanges Adjacent to a 911 Service Area but not Equipped for 911 Service [notice of intent to adopt rules without a public hearing] .....1574

### Energy Agency

#### Conservation Division

Minnesota Energy Conservation Program [request for public comment on proposed temporary rules] .....1575

### Energy, Planning and Development Department

#### Department

##### Bureau of Business Licenses

Preapplication Conferences on Business Licenses [notice of intent to adopt rules without a public hearing] .....1577

### Public Safety Department

#### Safety Administration Division

Issuance and Display of School Bus Inspections Certificates [notice of intent to adopt rule without a public hearing] .....1578

## ADOPTED RULES

### Ethical Practices Board

Campaign Financing: Economic Interest Disclosure: Lobbyist Registration and Reporting: Conflicts of Interest: Representation Disclosure: and Hearings .....1583  
Campaign Financing: Economic Interest Disclosure: Lobbyist Registration and Reporting: and Hearings .....1583

## SUPREME COURT

### Decisions Filed Friday, March 5, 1982

81-344/Sp., 81-336 Richard Rippentrop, Relator (81-336), v. Imperial Chemical Company, *et al.*, Commissioner, Department of Labor and Industry, Relator (81-334), Workers' Compensation Court of Appeals .....1585  
81-160/Sp. Richard Gersdorf, *et al.*, Appellants, v. R. D. Werner Co., Inc., Pasquale Strangis and Pasquale Strangis, third-party plaintiff, v. G. M. Stewart Lumber Company, Inc., third-party defendant, Hennepin County .....1585  
81-570/Sp. State of Minnesota, Plaintiff, v. Terrance Jay Duncan, St. Louis County .....1585  
81-149, 81-150 Richard L. Nauman, *et al.*, Appellants (81-150), v. J's Restaurants International, Inc., *et al.*, Appellants (81-149), Stanley Dobrin, *et al.*, Defendants, Ernest Gertzen, Anoka County .....1585  
81-440 Minnesota Association of Commerce and Industry, Plaintiff, v. Tom Foley, Ramsey County Attorney, Defendant, and Warren Spannaus, Attorney General, State of Minnesota, Intervening Defendant, Certified Questions from U.S. District Court .....1585  
81-694/Sp. Mutual Service Casualty Insurance Company, Appellant, v. Clayton Club, Inc., *et al.*, Ramsey County .....1586  
51432/Sp. Edward Denn, d.b.a. Advance Foam of Minnesota, Inc., Appellant, v. First State Bank of Spring Lake Park, defendant and third party plaintiff, v. Dennis L. Carlson, Third Party Defendant, Scott County .....1586  
52081/Sp. In the Matter of the Welfare of R.M.M. III, Ramsey County .....1586  
81-121/Sp. In the Matter of Arbitration between: State of Minnesota, by Barbara Sundquist, its Commissioner of the Department of Employee Relations, petitioner, v. Minnesota Teamsters Public and Law Enforcement Employees Union Local No. 320, and Thomas Lindgren, Appellant, Ramsey County .....1586  
81-1008/Sp. Gary Wayne Meyer, Appellant, v. State of Minnesota, Hennepin County .....1586  
81-47/Sp. Reserve Mining Company, Babbitt Division, Relator, v. Sharon M. Gorecki, Commissioner of Economic Security, Department of Economic Security .....1586  
81-683 Marilyn Threlkeld, *et al.*, Appellants, v. The Robbinsdale Federation of Teachers, Local 872, AFL-CIO, State of Minnesota, intervenor, Public Employment Relations Board, intervenor,

Hennepin County .....1586  
81-786/Sp. In Re the Marriage of: Earl F. Brown, petitioner, v. Beverly J. Brown, Appellant, Ramsey County .....1586  
81-202/Sp. Capitol Supply Co., Appellant, v. City of St. Paul, Ramsey County .....1586  
81-1048/Sp. Michael and Joyce McKee, Appellants, v. The County of Ramsey and its Department of Taxation, and the State of Minnesota, Ramsey County .....1586  
44297 In the Matter of the Application for the Discipline of Ellsworth Irving Serstock, an Attorney at Law of the State of Minnesota, Supreme Court .....1586  
51812 In the Matter of the Application for the Discipline of Paul V. Fling, an Attorney at Law of the State of Minnesota, Supreme Court .....1587

### Decision Filed Tuesday, February 23, 1982

81-855/Sp. State of Minnesota v. Margaret Randolph, Appellant, St. Louis County .....1587

### Decisions Filed Wednesday, February 24, 1982

81-987/Sp. State of Minnesota v. Tyrone A. Johnson, Appellant, Ramsey County .....1587  
81-1083/Sp. State of Minnesota v. Barry A. Brigger, Hennepin County .....1587

## STATE CONTRACTS

### Energy, Planning and Development Department Developmental Disabilities Program

Demonstration of Model Projects of Respite Care Services .....1588  
Regional Coordination, Technical Assistance, Information Projects Related to People with Developmental Disabilities .....1589

### Energy, Planning and Development Department Energy Division

Media Specialist .....1589

### Energy, Planning and Development Department Governor's Council on Rural Development

Production and Marketing Feasibility Study of Birch Furniture Dimension Blanks .....1590

### Finance Department

#### Debt Management Division

Assistance in Sales of Short and Long Term Debt Instruments and in Review of Debt Management Policy .....1590

### Minnesota Teachers Retirement Association

Actuarial Consulting Contract .....1590

### Natural Resources Department

#### Fish and Wildlife Division

Gathering of Data on the Distribution, Status and Natural History of Minnesota Bats .....1591

### Secretary of State's Office

Printing Proposal .....1591

## OFFICIAL NOTICES

### Agriculture Department

#### Agronomy Services Division

Notice of Special Local Need Registration for Tordon 22K Herbicide, Tordon 2K Pellets, and Clarke 1% Skeeter Abate .....1591

### Natural Resources Department

Petitions Concerning the Designation of Certain Public Waters and Wetlands in Stearns County [notice of and order for hearing] .....1593

### Pollution Control Agency

Notice of the Director's Preliminary Recommendation as to the Intrinsic Suitability of Proposed Hazardous Waste Disposal Facility Sites in Marshall, Kittson, Aitkin and St. Louis Counties .....1595

### Transportation Department

Petition of Carlton, Wabasha, Rice and Freeborn Counties, and Preble Township, Fillmore County, for a Variance from State Aid Standards for Design Speed .....1595  
Petition of City of Anoka for a Variance from State Aid Standards for Street Width .....1597

## NOTICE

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

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

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

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

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

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

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

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

Issues 1-13, inclusive

Issues 14-25, inclusive

Issue 26, cumulative for 1-26

Issue 27-38, inclusive

Issue 39, cumulative for 1-39

Issues 40-51, inclusive

Issue 52, cumulative for 1-52

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

# MCAR AMENDMENTS AND ADDITIONS

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

2 MCAR § 1.5301 (proposed repeal) .....	1554
2 MCAR §§ 1.5302-1.5327 (proposed) .....	1554
2 MCAR § 1.6109 (proposed) .....	1574

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

3 MCAR §§ 1.0109, 1.0111-1.0112 (adopted) .....	1558
Agr 434-457 (repealed) .....	1398

## TITLE 4 COMMERCE

### Part 1 Commerce Department

4 MCAR §§ 1.9120 (Temp)-1.9135 (Temp) (proposed) .....	1337
4 MCAR §§ 1.9350-1.9352 (adopted) .....	1438
4 MCAR §§ 1.9255-1.9270 (proposed) .....	1229
Ins 32, 34 (proposed repeal) .....	1229

### Part 2 Energy, Planning & Development Department

4 MCAR §§ 2.110-2.112 (proposed) .....	1577
--	------

### Part 3 Public Utilities Commission

PSC 120 (adopted) .....	1398
4 MCAR § 3.0146 (adopted) .....	1313

### Part 4 Cable Communications Board

4 MCAR § 4.100 E. (repealed) .....	1344
------------------------------------	------

### Part 8 Barber Examiners

4 MCAR § 8.079 (adopted) .....	1529
--------------------------------	------

### Part 11 Electricity Board

4 MCAR § 11.004 (proposed) .....	1414
----------------------------------	------

### Part 13 Peace Officer Standards and Training Board

4 MCAR §§ 13.001-13.020 (repealed) .....	1495
4 MCAR §§ 13.021-13.039 (adopted) .....	1495

### Part 14 Small Business Finance Agency

4 MCAR § 14.021 (adopted) .....	1558
---------------------------------	------

## TITLE 5 EDUCATION

### Part 1 Education Department

5 MCAR § 1.0430 (proposed) .....	1342
EDU 380-382, 385-386 (proposed) .....	1464

## TITLE 6 ENVIRONMENT

### Part 2 Energy Agency

6 MCAR §§ 2.0201-2.0214 (adopted) .....	1299
6 MCAR §§ 2.2301 (Temp), 2.2314 (Temp) (adopted) .....	1575
6 MCAR §§ 2.2501 (Temp)-2.2510 (Temp) (adopted) .....	1493
6 MCAR §§ 2.4011-2.4017 (proposed) .....	1468
6 MCAR §§ 2.4021 (Temp)-2.4034 (Temp) (proposed) .....	1466

### Part 3 Environmental Quality Board

6 MCAR §§ 3.072, 3.074, 3.083 (adopted) .....	1370
---	------

### Part 4 Pollution Control Agency

6 MCAR § 4.6085 (proposed) .....	1471
6 MCAR § 4.6088 (proposed) .....	1523
6 MCAR § 4.8024 (adopted) .....	1344

### Part 6 Waste Management Board

6 MCAR §§ 8.101-8.107 (adopted) .....	1344
---------------------------------------	------

## TITLE 7 HEALTH

### Part 1 Health Department

MHD 326 (proposed) .....	1297
7 MCAR §§ 1.201-1.210 (repealed) .....	1256
7 MCAR §§ 1.661-1.665 (adopted) .....	1256

### Part 5 Board of Nursing

7 MCAR §§ 5.0002, 5.1004, 5.1011, 5.1021, 5.1031, 5.1035-5.1036, 5.2002-5.2003, 5.2011, 5.2021, 5.2030, 5.2031, 5.2035-5.2036 (adopted) .....	1529
7 MCAR §§ 5.1030-5.1031, 5.1033, 5.1036, 5.2030-5.2031, 5.2033, 5.2036 (adopted) .....	1281
7 MCAR §§ 5.1032, 5.2032 (repealed) .....	1281

### Part 10 Psychology Board

7 MCAR §§ 10.001-10.009 (proposed) .....	1480
Psych 2, 5, 8, 10-13 (proposed repeal) .....	1480

## TITLE 8 LABOR

### Part 1 Labor and Industry Department

RS 1 (adopted) .....	1398
8 MCAR § 1.7001 (proposed) .....	1365
8 MCAR §§ 1.7230-1.7232, 1.7240-1.7247, 1.7292, 1.7295, 1.7297, 1.7304 (adopted) .....	1313

## TITLE 9 LAW

### Part 1 Ethical Practices Board

9 MCAR §§ 1.0001, 1.0008, 1.0012, 1.0016-1.0017, 1.0025, 1.0029, 1.0031, 1.0040-1.0041, 1.0100-1.0104, 1.0112, 1.0200-1.0204, 1.0210, 1.0300-1.0307, 1.0500, 1.0502-1.0507, 1.0604-1.0605 (adopted) .....	1583
9 MCAR §§ 1.0039, 1.0110, EC 601, 604, 607-623 (repealed) .....	1583
9 MCAR §§ 1.0012 A.-B., 1.0026, 1.0029 G., 1.0038, 1.0043, 1.0044-1.0046, 1.0105, 1.0209, 1.0301, 1.0501, 1.0508, 1.0602-1.0603 (withdrawn) .....	1583
9 MCAR §§ 1.0010, 1.0012, 1.0015, 1.0042, 1.0201, 1.0601 (adopted) .....	1583
9 MCAR §§ 1.0013, EC 603 (repealed) .....	1583

### Part 2 Administrative Hearings Office

9 MCAR §§ 2.301-2.326 (adopted) .....	1439
---------------------------------------	------

## TITLE 10 PLANNING

### Part 4 Municipal Board

10 MCAR § 4.020 (adopted) .....	1439
---------------------------------	------

## TITLE 11 PUBLIC SAFETY

### Part 1 Public Safety Department

11 MCAR §§ 1.0020-1.0024 (proposed) .....	1578
---	------

## TITLE 12 SOCIAL SERVICE

### Part 2 Public Welfare Department

12 MCAR § 2.001 (temp) (adopted) .....	1370
12 MCAR § 2.027 (adopted) .....	1497
12 MCAR § 2.036 (adopted) .....	1371
12 MCAR §§ 2.045-2.046, 2.059 (repealed) .....	1440

### Part 3 Housing Finance Agency

12 MCAR § 3.002 0. (Temp) (adopted) .....	1439
12 MCAR § 3.002 (adopted) .....	1438
12 MCAR §§ 3.053-3.054 (adopted) .....	1439
12 MCAR § 3.133 (adopted) .....	1439
12 MCAR § 3.134 (adopted) .....	1439

## TITLE 13 TAXATION

### Part 1 Revenue Department

13 MCAR § 1.6101 (adopted) .....	1399
IncTax 2052(4) (repealed) .....	1399
13 MCAR § 1.6102 (adopted) .....	1314
IncTax 2003 (2); 2003 (3); 2004; 2005 (1); 2005 (2); 2005 (3); 2005 (4); 2006 (1); 2006 (2); 2006 (2) (a); 2006 (3); 2006 (4); 2006 (5); 2006 (8); 2007 (5)-1; 2007 (5)-2; 2007 (5)-3; 2007 (5)-4; 2007 (5)-5; 2007 (5)-6; 2007 (5)-7; 2007 (5)-8; 2007 (5)-9; 2007.2; 2007.6; 2008 (3)-1; 2008 (3)-2; 2008 (3)-3; 2008 (3)-4; 2008 (3)-5; 2008 (4); 2008 (5); 2008 (6); 2008 (11); 2008 (16); 2008 (20)-1; 2008 (20)-2; 2008 (20)-3; 2008 (20)-4; 2009 (3)-2; 2009 (3)-3; 2009 (5)-3; 2009 (5)-6; 2009 (12)-1; 2009 (12)-2; 2009 (12)-3; 2009 (12)-4; 2009 (14); 2009 (15); 2009 (18)-1; 2009 (18)-2; 2009 (18)-3; 2009 (18)-4; 2009 (19); 2009 (21)-1; 2009 (21)-2; 2009 (21)-3; 2009 (21)-4; 2009 (21)-5; 2009 (21)-6; 2009.5 (7)-6; 2010 (8); 2012 (1); 2012 (3); 2013 (4); 2013.1 (2)-1; 2013.1 (2)-2; 2013.1 (2)-3; 2013.1 (2)-4; 2013.1 (3); 2013.1 (4); 2013.1 (5); 2013.1 (6)-1; 2013.1 (6)-2; 2013.1 (6)-3; 2013.1 (7); 2013.2 (1); 2013.2 (2)-1; 2013.2 (2)-2; 2013.2 (2)-3; 2013.2 (2)-4; 2013.2 (2)-5; 2013.2 (2)-10; 2013.2 (2)-11; 2013.2 (2)-12; 2013.3 (2); 2013.3 (3)-1; 2013.3 (3)-2; 2013.3 (3)-3; 2013.3 (3)-4; 2013.4 (1); 2013.4 (2)-1; 2013.4 (2)-2; 2013.4 (2)-3; 2013.4 (2)-4; 2013.4 (2)-5; 2013.4 (2)-6; 2013.4 (2)-7; 2013.4 (3)-1; 2013.4 (3)-2; 2013.4 (3)-3; 2013.4 (3)-4; 2013.4 (3)-5; 2013.4 (4)-1; 2013.4 (4)-2; 2013.5 (1); 2013.5 (2)-1; 2013.5 (2)-2; 2013.5 (2)-3; 2013.5 (2)-4; 2013.5 (2)-5; 2013.5 (3)-1; 2013.5 (3)-2; 2013.5 (3)-3; 2013.5 (3)-4; 2013.5 (3)-5; 2013.5 (4)-1; 2013.5 (4)-2; 2013.5 (4)-3; 2013.6 (1)-1; 2013.6 (1)-2; 2013.6 (1)-3; 2013.6 (2); 2013.6 (3)-1; 2013.6 (3)-2; 2013.6 (3)-3; 2013.6 (3)-4; 2013.6 (3)-5; 2013.6 (4)-1; 2013.6 (4)-2; 2013.6 (4)-3; 2013.6 (4)-4; 2013.6 (5)-1; 2013.6 (5)-2; 2013.6 (6)-1; 2013.6 (6)-2; 2013.6 (6)-3; 2013.6 (6)-4; 2013.6 (7); 2013.6 (8)-1; 2013.6 (9)-1; 2013.6 (9)-2; 2013.6 (9)-3; 2013.7 (1)-1; 2013.7 (1)-2; 2013.7 (2); 2013.7 (3)-1; 2013.7 (3)-2; 2014 (7); 2016 (6); 2016 (7)-1; 2016 (7)-2; 2016 (7)-3; 2016 (7)-4; 2016 (12); 2016 (13)-1; 2017 (5); 2018 (2); 2021 (1); 2022; 2023 (2)-1; 2023 (2)-2; 2023 (2)-3; 2023 (5)-1; 2023 (5)-2; 2023 (5)-3; 2023 (5)-4; 2023 (5)-5; 2023 (5)-6; 2023 (5)-7; 2023 (5)-8; 2023 (6)-1; 2023 (6)-2; 2023 (6)-3; 2023 (6)-4; 2023 (6)-5; 2023 (7)-1; 2023 (7)-2; 2023 (7)-3; 2023 (7)-4; 2023 (7)-5; 2023 (7)-6; 2023 (7)-7; 2023 (7)-8; 2023 (8)-1; 2023 (8)-2; 2023 (8)-3; 2023 (8)-4; 2023 (9)-1; 2023 (9)-2; 2023 (9)-3; 2023 (9)-4; 2023 (9)-5; 2023 (9)-6; 2023 (9)-7; 2023 (9)-8; 2023 (9)-9; 2023 (10)-1; 2023 (10)-2; 2023 (10)-3; 2023 (10)-4; 2023 (10)-5; 2023 (10)-6; 2023 (10)-7; 2023 (10)-8; 2023 (11)-1; 2023 (11)-2; 2023 (11)-3; 2023 (11)-4; 2023 (11)-5; 2023 (11)-6; 2023 (11)-7; 2023 (11)-8; 2023 (12)-1; 2023 (12)-2; 2023 (12)-3; 2023 (13); 2023 (14)-1; 2023 (14)-2; 2023 (14)-3; 2023 (14)-4; 2023 (14)-5; 2024; 2025 (1)-1; 2025 (1)-2; 2025 (1)-3; 2025 (1)-4; 2025 (2)-1; 2025 (2)-2; 2025 (2)-3; 2025 (3)-1; 2025 (3)-2; 2025 (3)-3; 2025 (3)-4; 2025 (4)-1; 2025 (4)-2; 2025 (4)-3; 2025 (4)-4; 2025 (4)-5; 2025 (5); 2027-1; 2027-2; 2028 (1)-1; 2028 (1)-2; 2028 (2)-1; 2028 (2)-2; 2028 (2)-3; 2028 (2)-4; 2031 (28); 2036.1 (1); 2037 (1); 2037 (2); 2038 (2); 2040 (4); 2042 (5); 2044; 2045 (3); 2050 (2); 2050 (4); 2053 (3); 2053 (4); 2061; 2065 (1); 2065 (6); 2065 (7); 2092 (1)-1; 2092 (1)-5; 2092 (7)-3; 2092 (11); 2093.1-1-1; 2093.1-2; 2093.1-4; 2093.2-1; 2093.2-2; 2093.2-3; 2093.2-5; 2093.3-3; 2093.4-4; 2093.4-5; 2093.4-6; 2097.1 (1); 2097.1 (2); 2097.1 (3); 2097.2 (1); 2097.2 (2); 2097.2 (3); 2097.2 (5); and 2097.2 (6) (repealed) .....	1314
13 MCAR § 1.6501 (withdrawn) .....	1397

# PROPOSED RULES

---

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

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

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

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

---

## Department of Administration Telecommunications Division

### Proposed Rule Repealing the Intercept Service Requirement for Telephone Exchanges Adjacent to a 911 Service Area but Not Equipped for 911 Service

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Administration proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

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

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4 through 4f.

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

Andrew Blum  
Telecommunications Division  
Department of Administration  
G-4 Administration Building  
50 Sherburne Avenue  
Saint Paul, Minnesota 55155

Authority for the adoption of this rule is contained in Minn. Stat. § 403.07, subd. 1. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Andrew Blum upon request.

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

A copy of the proposed rule is attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting Andrew Blum.

James J. Hiniker, Jr.  
Commissioner of Administration

**Rule as Proposed**

Repealer. Rule 2 MCAR § 1.6109 J. is repealed.

Relettering. Reletter 2 MCAR § 1.6109 K.-M. as 2 MCAR § 1.6109 J.-L.

**Energy Agency  
Conservation Division****Proposed Temporary Rules Amending the Minnesota Energy Conservation Service  
Program****Request for Public Comment**

Notice is hereby given that pursuant to Minn. Stat. § 116H.17 as well as 116H.08(a) and 116H.07(i), the Energy Agency proposes to adopt a temporary program amending the Minnesota Energy Conservation Service Program.

Persons interested in these rules have 20 days from this publication to submit data and views on the proposed rules in writing. Comments should be submitted to:

Greg Hubinger  
Minnesota Energy Agency  
980 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 297-2117

The proposed temporary rules amendments may be modified if the modifications are supported by the data and views submitted to the agency.

These proposed temporary rules amendments, with modifications, if any, shall be submitted to the Attorney General for final approval as to form and legality. The temporary rules amendments shall take effect immediately upon the Attorney General's approval.

These temporary rules amendments shall be effective for 180 days or until they are replaced by permanent rules, whichever occurs first.

Michael J. Murphy  
Acting Director

**Temporary Rules as Proposed****6 MCAR § 2.2301 [Temporary] Definitions.**

A.-V. [Unchanged.]

W. Temporary program. "Temporary program" means a plan which exempts one or more utilities from one or more provisions of the Minnesota Energy Conservation Program, in whole or in part, for a specified period, determined by the agency, which may not exceed four years.

**6 MCAR § 2.2314 [Temporary] Temporary programs.**

A. Allowable exemptions. The agency may exempt a utility from one or more of the following provisions:

1. The requirement for taking actual measurements of the building shell as described in 6 MCAR § 2.2303 C.2.a.;
2. The requirement in 6 MCAR § 2.2303 C.2. to provide cost and savings estimates for those renewable resource measures;
3. The requirement to provide cost and savings estimates for caulking and weatherstripping as described in 6 MCAR § 2.2303 C.2.;

**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

---

4. The requirement to calculate the energy index for the residence as described in 6 MCAR § 2.2303 C.3.;

5. The requirement to measure and provide costs and savings estimates for duct and pipe insulation as described in 6 MCAR § 2.2303 C.2.;

6. The requirement to provide the results of the audit on site to the customer as described in 6 MCAR § 2.2303 E.1.; and

7. The requirement to provide estimates of energy savings and costs of installation by a contractor or by the customer with a 20 percent maximum range, as described in 6 MCAR § 2.2303 E.1.a.-c.

B. Eligible applicants. Proposed temporary programs may be submitted to the agency by any covered utility, nonregulated utility, or heating oil supplier.

C. Time for submission of program. A proposed temporary program may be submitted to the agency any time during the life of the program.

D. Approval. The agency shall approve or disapprove a proposed temporary program within 90 days of receiving the temporary program, or later if the person who submitted the proposed temporary program is notified before the end of the original 90-day period. Failure by the agency to approve, disapprove, or notify an applicant within the 90 days constitutes disapproval.

E. Criteria for approval. The agency shall approve a proposed temporary program only if the organization submitting the proposed temporary program demonstrates to the agency's satisfaction that the temporary program:

1. Contains adequate procedures to assure that each covered utility under the program will charge fair and reasonable prices and rates of interest to its eligible customers in connection with the purchase and installation of residential energy conservation and renewable resource measures;

2. Contains adequate procedures for preventing unfair, deceptive, or anti-competitive acts or practices affecting commerce which relate to the implementation of such programs;

3. Is likely to result in as many conservation practices or the installation of program measures in at least as many residential buildings as would have been instituted or installed had such utility not been exempt from the requirements for which the exemption is sought; and

4. Contains the following:

a. The substitution of other data that provide measurements of eligible residences so that cost and savings estimates can be calculated;

b. The use of a detailed inspection which includes a written report showing specific areas of the residence needing caulking, weatherstripping, and the blocking of attic bypasses;

c. The distribution of fact sheets that provide information on renewable resource measures, and include estimated costs and savings for a typical household;

d. A program to provide financing to eligible customers for the installation of conservation or renewable resource measures, or both;

e. The distribution of fact sheets that include specific information regarding the insulation of ducts and pipes for that residence;

f. The presentation of energy savings and the costs of installation of program measures by a contractor or by the customer as estimates; and

g. The calculation of the energy index, as described in 6 MCAR § 2.2303 C.3. However, if the non-space heating consumption data are not available, the energy index shall be based on the space heating consumption data only.



## **Department of Energy, Planning and Development Bureau of Business Licenses**

### **Proposed Rules Governing Preapplication Conferences on Business Licenses**

#### **Notice of Intent to Adopt Rules without a Public Hearing**

Notice is hereby given that the State of Minnesota Department of Energy, Planning and Development proposes to adopt the above entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h(1980).

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

Unless 7 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

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

Bureau of Business Licenses  
Attn: Madeline Harris  
Department of Energy, Planning & Development  
480 Cedar Street  
St. Paul, MN 55101 (612) 296-5023

Authority for adoption of these rules is contained in Minn. Stat. § 362.473 (chapter 342, Laws of 1981). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from M. Harris at the above listed address upon request.

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

The rules proposed for adoption relate to the following matters: Pre-Application Conferences; Requests for Conferences; Multiple licenses; written review and opinions; time limits; extensions and effect of review and opinion procedure.

Copies of this notice and the proposed rules are available and may be obtained by contacting M. Harris either in writing or by telephone.

March 3, 1982

W. Wesley Cochrane  
Assistant Commissioner

#### **Rules as Proposed (all new material)**

##### **4 MCAR § 2.110 Definitions.**

- A. Applicability. For the purposes of 4 MCAR §§ 2.110-2.112, the terms defined in this rule have the meanings given them.
- B. Agency. "Agency" has the meaning given it in Minn. Stat. § 15.0411, subd. 2.
- C. Director. "Director" has the meaning given it in Minn. Stat. § 362.463, subd. 6.
- D. Initial response period. "Initial response period" means the 60-day time limit imposed by Minn. Stat. § 362.473, subd. 3 on an agency for the rendering of a written review and opinion.

**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

---

E. License. "License" has the meaning given "business license" in Minn. Stat. § 362.452, subd. 2.

F. Person. "Person" has the meaning given it in Minn. Stat. § 362.463, subd. 8.

G. Written review and opinion. "Written review and opinion" means a written statement by an agency which incorporates the information required by Minn. Stat. § 362.473, subd. 2 relating to a proposed business activity.

### 4 MCAR § 2.111 Preapplication conference.

A. Request. Any person may request a preapplication conference by submitting to the bureau of business licenses a formal request in the format prescribed by the bureau.

B. Approval and notice. If the director determines, after consideration of a formal request, that a preapplication conference is warranted, he shall secure the participation of the interested agencies and notify the person in writing of the date, time, and place of the conference.

The director will consider the following factors in making his determination as to whether a preapplication conference is warranted:

1. the dollar volume of the proposed activity;

2. whether the proposed activity involves multiple licenses from agencies; and

3. whether the proposed activity involves business or corporate structures, activities, technologies, products, or processes which are different from, or reasonably appear to be different from, those for which a license has been required in the past.

C. Supervision. The director or his designated representative shall preside over the preapplication conference to insure that it achieves the purposes set forth in Minn. Stat. § 362.473, subd. 1.

D. Effect upon participants. A preapplication conference is not binding upon any of the participants.

### 4 MCAR § 2.112 Written review and opinion.

A. Authorization. If during a preapplication conference the director determines that a proposed business activity meets the criteria set forth in Minn. Stat. § 362.473, subd. 2, he shall request each affected agency to provide the person with a written review and opinion as to every license the agency requires for the proposed business activity.

B. Request. The director's request for a written review and opinion shall be submitted in writing to the agency. The request shall specify the date on which the agency's initial response period begins.

C. Extensions. A request for an extension of the initial response period shall be set forth in writing by the agency and include the specific reasons justifying the extension.

If the agency does not receive written notice from the director denying the extension within ten days of submission of its request, the extension is granted and is effective for an additional 60-day period.

The director shall provide the person with written notice of his approval of the extension, its duration, and the reasons the extension was approved.

D. Modification or amendment. An agency may modify or amend a written review and opinion by notifying the person and the director in writing of its intent to do so. The notice shall include a statement setting forth the reasons for the modification or amendment.

The modification or amendment shall be provided to the person and director within 30 days of transmittal of the agency's notification of modification or amendment.

## Department of Public Safety Safety Administration Division

### Proposed Rules Governing Issuance and Display of School Bus Inspections Certificates

#### Notice of Intent to Adopt Rules without a Public Hearing

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

---

---

## PROPOSED RULES

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

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

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

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

The department's authority to adopt the proposed rules is contained in Minn. Stat. § 169.451. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

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

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

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

John P. Sopsic  
Commissioner  
Department of Public Safety

### Rules as Proposed

~~SafAd 20~~ 11 MCAR § 1.0020 Purpose and scope authority. The purpose of ~~this regulation~~ 11 MCAR §§ 1.0020-1.0024 is to establish rules ~~and regulations~~ governing the issuance and display of school bus inspection certificates, consistent with the provisions of ~~Minnesota Statutes 1974, Section~~ Minn. Stat. § 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature expressed in ~~Laws 1974, Chapter 332.~~

~~SafAd 21~~ 11 MCAR § 1.0021 Definitions. For the purposes of ~~these rules and regulations~~ 11 MCAR §§ 1.0020-1.0024, the following terms shall have ~~these~~ the meanings given them:

**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

~~(a)~~ Highway A. State patrol. "State patrol" means the Minnesota ~~Highway~~ State Patrol, or an individual ~~officer~~ state trooper thereof or a State Patrol Law Compliance Representative II (LCR II) employed pursuant to Minn. Stat. § 299D.06.

~~(b)~~ B. Certificate. "Certificate" means a school bus inspection certificate required by the provisions of ~~M.S. 1971, Section~~ Minn. Stat. § 169.451, subd. 2.

C. Temporary certificate. "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

D. Rejection sticker. "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes.

~~SafAd 22~~ 11 MCAR § 1.0022 Issuance of certificate. The certificate shall be issued for an individual bus on a ~~semi-annual~~ annual basis when the ~~Highway~~ state patrol has inspected ~~such~~ the vehicle and the inspection indicates that the school bus adequately complies with laws and rules ~~and regulations~~ relating to construction, design, equipment and color of school bus.

~~SafAd 23~~ 11 MCAR § 1.0023 Display of certificate.

~~(a)~~ A. Certificate to be affixed. The certificate issued for each individual school bus shall be immediately affixed to ~~such~~ the school bus by the inspecting ~~Highway~~ state patrol ~~Officer~~ trooper or LCR II.

~~(b)~~ B. Certificate must be current. Only ~~such~~ the certificate ~~as~~ that is valid for the current time period may be displayed.

~~(c)~~ C. Where displayed. The certificate shall be affixed in the lower left corner of the main windshield of the school bus.

D. Rejection sticker, display, removal. A rejection sticker shall be affixed to the lower left corner of the windshield of a school bus that fails a school bus inspection. The sticker shall be removed only upon authorization from a LCR II or trooper who has determined that the defects that caused the rejection have been corrected.

~~SafAd 24~~ 11 MCAR § 1.0024 Method of inspection.

~~(a)~~ A. Scheduled inspection. All school buses shall be inspected for compliance with applicable laws and with rules ~~and regulations~~ of the State Board of Education as stated in ~~Chapters Thirteen and Fourteen: Education 240-279~~ rules EDU 240-265 of the State Board of Education.

B. Other inspections. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, a trooper or LCR II may conduct an unannounced inspection of any school bus at the location where the bus is kept when not in operation. This paragraph shall not be construed to limit the right or duty of any law enforcement officer to inspect any vehicle upon reasonable cause.

~~(b)~~ C. Point system, passing scores. The point system contained ~~herein~~ in E. shall be used to assess the safety operation of all types of school buses. Each bus will start with 100 points and each defect shall be cause for points to be deducted in accordance with ~~established~~ point values established in E.

~~(4)~~ 1. Any school bus with an inspection score of ~~98~~ 96 to 100 shall be identified by affixing a distinctive school bus inspection certificate to the windshield. Where an inspection score of ~~98~~ 96 is achieved, no inspection certificate shall be affixed to the bus at the next ~~semi-annual~~ annual inspection unless the ~~two (2) point defect has~~ inadequacies from the previous inspection have been corrected.

~~(2)~~ 2. Any school bus with an inspection score of 80 to ~~97~~ 95 points shall pass the inspection and receive a temporary bus inspection certificate of contrasting color or design or both. This temporary certificate will be valid for 14 days following inspection and all defects must be corrected. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a temporary certificate may be used to transport pupils beyond the 14-day period if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

~~(c)~~ D. Non-passing scores. Any school bus with less than 80 points shall be deemed unsafe for the transportation of school children. Any school bus which fails the inspection shall not be used to transport school children until the defects are corrected and an inspection certificate is issued and affixed to the bus. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a rejection sticker may be used to transport pupils if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

E. Point system. In accordance with C., defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

## PROPOSED RULES

<u>Equipment Defect</u>	<u>Points</u>
1. Tires, front	each 25 <del>points</del>
2. Tires, rear	each 25
3. Exhaust	
a. Inadequate pipe	25
b. Leak in system	5
4. Muffler defective ( <u>treat like leak in system</u> )	25 5
5. School bus color	
a. Not basic yellow or orange	25
b. Improper trim color	2
6. Required lettering	
a. No school bus sign (type I & II)	25
b. Stop at railway crossing (type III only)	25
c. Other lettering-nicknames	2
7. Stop arm (octagonal <del>required after 10-1-67</del> )	25
a. <u>Reflective material cracked, scratched, or separated</u>	5
b. <u>Optional lamps on stop arm</u>	2
8. Cross over mirror ( <del>required after 3-7-74</del> )	25
a. <u>Missing or inoperable</u>	25
b. <u>If only line of vision is distorted, flaking or cracked</u>	5
9. Headlamps out of adjustment ( <u>allow mechanic time to adjust</u> )	5
10. Headlamp out	40 5
a. <u>Both low beams out</u>	25
b. <u>One low beam out or either or both high beams out</u>	each 5
11. Dimmer switch inoperable	40 5
12. Turn signals inoperable	25
13. Eight lamp warning lamp system	25
a. <u>Lamp system not working</u>	25
b. <u>Eight lamp indicator malfunctioning</u>	10
14. Indicator lamps	points
a. High beam	5 2
b. Turn signals	5
15. Clearance lamps <u>or optional white strobe lamp</u>	each 5 1
16. Rear lamps- <del>each</del>	40
a. <u>One out</u>	5
b. <u>Both out</u>	25
17. Stop lamps ( <u>minimum of 2 required</u> )- <del>each</del>	15
a. <u>Not working</u>	each 15
b. <u>auxiliary stop lamp not working</u>	each 2
18. Back-up lamps ( <del>required after 1-1-69</del> )	5
19. Brakes-service (foot)	25
a. <u>Not working</u>	25
b. <u>Hose blistered but no fluid leakage</u>	each hose 5
20. Brakes-emergency (auxiliary)	25
21. Defective or no warning horn	25
22. Rear view mirror	
a. Interior	15
b. Exterior	25
c. <u>Slight crack, discolored or flaking</u>	5

**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

23. Windshield wipers <u>(not working at all)</u>	25
a. Wiper blade only	5
b. <u>One speed not working on left side or the right side not working</u>	10
24. Windshield glass	10
25. Steering	25
a. <u>One king pin bad (less than ½ inch)</u>	15
b. <u>Two king pins bad (more than ½ inch)</u>	25
26. Driver seat belt <del>(10-1-67)</del> , <u>missing or not usable</u>	25
27. Entrance door, <u>out of adjustment</u>	5
28. Interior lamps <del>each</del>	2
a. Stepwell	2
b. <u>Other interior lamps (mention only)</u>	0
29. First aid kit-	
a. Missing	25
b. Short supply-per unit missing	1
30. Fire extinguisher, <u>missing or in inoperable range</u>	15
31. Flags & and flares (electric or reflector) <del>each</del> <u>(for up to three missing)</u>	5
32. Side glass and rear glass-each defect	5
33. Loose objects interior	each 2
34. Seats loose (floor mount)	each 5
35. Seat condition	each 2
36. Bus interior ( <del>clean</del> <u>cleanliness</u> )	2
37. Carbon monoxide	25
38. Emergency exit, <u>inoperable</u>	25 points
a. <u>Emergency lettering missing</u>	2
b. <u>Bad door gasket</u>	5
39. Speedometer	10
40. Suspension, <u>main leaf</u>	25
a. <u>Other than main leaf, 25 percent or more of the remaining leaves broken</u>	25
b. <u>Other than main leaf, less than 25 percent broken</u>	10
c. <u>Loose or leaking shocks</u>	10
41. Wheels	25
a. <u>One stud nut missing if less than 20 percent of stud nuts on wheel</u>	10
b. <u>20 percent or more of stud nuts are missing on wheel</u>	25
42. Body condition	2
a. Hazardous protuberance or sharp edge	25
b. <u>Two cross members bad, must be replaced</u>	2
c. <u>Cross members rusted, to be written up</u>	0
43. Drive shaft guard	25
44. Frame	25
45. Heater-defroster fan	each 5
46. Battery	10
47. Body mounting	10
48. Fuel system	10

# 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.

## Ethical Practices Board

### Adopted Rules Governing Campaign Financing; Economic Interest Disclosure; Lobbyist Registration and Reporting; Conflicts of Interest; Representation Disclosure; and Hearings

The rules proposed and published at *State Register*; Volume 6, Number 23, pages 1085-1091, December 7, 1981 (6 S.R. 1085) are now adopted with the following modifications:

#### Rules as Adopted

9 MCAR § 1.0210 Contested case hearing.

A. Representative of a party must register. A representative of a party to a contested case rate proceeding before a state hearing examiner is required to register as a lobbyist provided other qualifying requirements of Minn. Stat. § ~~10A.02~~ 10A.01, subd. 11, are met.

B. Attempt to influence appeals. An individual who attempts to influence appeals proceedings which may follow determination of a rate, power plant and powerline siting, or granting of a certificate of need under Minn. Stat. ch. 116H is not required to register as a lobbyist.

9 MCAR § 1.0507 ~~Penalty for~~ Filing of false statements. Any statement required by 9 MCAR §§ 1.0500-~~1.0508~~ 1.0507 shall be signed and certified to be true by the person required to file the statement. Any person who signs and certifies to be true a statement which he knows contains false information, or who knowingly omits required information, is guilty of a gross misdemeanor.

## Ethical Practices Board

### Adopted Rules Governing Campaign Financing; Economic Interest Disclosure; Lobbyist Registration and Reporting; and Hearings

The Ethical Practices Board proposed certain rules at *State Register*, Volume 6, Number 26, pages 1186-1187, December 28, 1981 (6 S.R. 1186) and published them at *State Register*, Volume 6, Number 23, pages 1075-1084, December 7, 1981 (6 S.R. 1075). Of those rules, the following proposed new rules and amendments to rules are withdrawn: 9 MCAR § 1.0012 A. and B.; 9 MCAR § 1.0026; 9 MCAR § 1.0029 G.; 9 MCAR § 1.0038; 9 MCAR § 1.0043; 9 MCAR §§ 1.0044-1.0046; 9 MCAR § 1.0105; 9 MCAR § 1.0209; 9 MCAR § 1.0301; 9 MCAR § 1.0501; 9 MCAR § 1.0508; 9 MCAR §§ 1.0602-1.0603. The remainder of the proposed rules are now adopted with the following modifications:

#### Rules as Adopted

9 MCAR § 1.0002 Definitions. For the purposes of 9 MCAR §§ 1.0001-~~1.0046~~ 1.0043 the terms defined in this rule have the meanings given them.

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

## ADOPTED RULES

A. Board. "Board" means the Ethical Practices Board.

B. Business Day. "Business day" means 8:00 a.m. to 4:30 p.m. Monday through Friday except for official state holidays.

~~B. C.~~ File, filed, filing. "File," "filed," and "filing" mean delivery to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday or legal holiday, the filing date is the following next regular business day.

~~Relettering. Reletter 9 MCAR § 1.0002 D, C, as 9 MCAR § 1.0002 C, F.~~

9 MCAR § 1.0015 Judicial candidate.

A. Aggregate contributions. ~~Pursuant to Minn. Stat. § 10A.20, subd. 3, clause (b):~~

~~1. Contributions to a candidate for the supreme court which in aggregate exceed \$100 shall be disclosed; and~~

~~2. Contributions to a candidate for district court or county court which in aggregate exceed \$50 shall be disclosed in accordance with requirements set forth in Minn. Stat. § 10A.20, subd. 3, clause (b).~~

B. Contributions from one source. ~~Pursuant to Minn. Stat. § 10A.20, subd. 5:~~

~~1. Contributions to a candidate for the supreme court from any one source totaling \$2,000 or more shall be disclosed; and~~

~~2. Contributions to a candidate for district court or county court from any one source totaling \$200 or more received between the last day covered in the last report prior to an election and the election shall be disclosed reported to the board in person or by telegram within 48 hours after receipt and also in the next required report.~~

9 MCAR § 1.0111 Time for filing.

A. Delivery to board. A Statement of Economic Interest is considered filed if it is delivered to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the following next regular business day.

9 MCAR § 1.0201 Definitions. For the purposes of Chapter Three the terms defined in this rule have the meanings given to them.

B. File; filed; filing. "File," "filed," and "filing" mean delivery to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the following next regular business day.

9 MCAR § 1.0601 Definitions. For the purposes of Chapter Six the terms defined in this rule have the meanings given to them.

B. Contested case. "Contested case" means a proceeding before the board in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after a board hearing. "Contested case" includes:

3. a hearing ordered by the board under ~~9 MCAR §§ 1.0602 and 1.0603~~ 9 MCAR § 1.0604 B. concerning a complaint, investigation or audit; and

C. File; filed; filing. "File," "filed," and "filing" mean delivery to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the following next regular business day.

D. Party. "Party" means a person whose legal rights, duties, or privileges may be determined in a contested case. "Party" includes the board except when the board participates in the contested case in a neutral or quasi-judicial capacity only. In anonymous proceedings, "party" includes the person designated to appear by the applicant under ~~EC 606~~ 9 MCAR § 1.0605. In a contested case commenced by the board following a complaint, "party" includes both the person who filed the complaint and the person against whom it was filed.

~~Repealer. Rules 9 MCAR § 1.0013, and EC 603 are repealed.~~



# SUPREME COURT

## Decisions Filed Friday, March 5, 1982

Compiled by John McCarthy, Clerk

81-334/Sp., 81-336 Richard Rippentrop, Relator (81-336), v. Imperior Chemical Company, *et al.*, Commissioner, Department of Labor and Industry, Relator (81-334). Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals correctly construed Minn. Stat. § 176.102 (1980) in determining that a temporarily totally disabled employee seeking direct job placement in a new occupation is not entitled to receive compensation at the rate of 125% of his temporary total disability benefits and in determining that this statute does not confer upon the director of rehabilitation services and the rehabilitation review panel established thereby the power to determine the compensation due an employee subject to this provision.

Affirmed. Peterson, J. Took no part, Kelley, J.

81-160/Sp. Richard Gersdorf, *et al.*, Appellants, v. R. D. Werner Co., Inc., Pasqualie Strangis and Pasqualie Strangis, third-party plaintiff, v. G. M. Stewart Lumber Company, Inc., third-party defendant. Hennepin County.

The proper method of presenting issue of prejudicial conduct resulting from the alleged giving of a jury instruction outside of the courtroom without the presence of a court reporter is not by affidavits taken from jurors, but by use of a Schwartz hearing or based on the unequivocal recollections of the trial judge.

Reversed and remanded. Yetka, J.

81-570/Sp. State of Minnesota, Plaintiff, v. Terrance Jay Duncan. St. Louis County.

Appeal dismissed. Yetka, J.

81-880/Sp., 81-959 Edward Lovshin v. Davidson Printing Company and American Employers Insurance Company, *et al.*, Relators (81-880), and Davidson Printing Company and Continental Casualty Company Relators (81-959), Liberty Mutual Insurance Company, intervenor. Workers' Compensation Court of Appeals.

The record in this compensation proceeding discloses an adequate factual foundation for the opinions of the only medical witness that employee sustained an injury in the nature of an aggravation of a prior compensable injury; that both injuries contributed equally to a 10% permanent partial disability of the back; and that such disability was a substantial cause of employee's present total disability. Findings based on these opinions therefore have substantial evidentiary support and will not be disturbed on appeal.

Affirmed. Yetka, J. Dissenting, Peterson, J., Amdahl, C. J., and Otis, J. Took no part, Kelley, J.

81-149, 81-150 Richard L. Nauman, *et al.*, Appellants (81-150), v. J's Restaurants International, Inc., *et al.*, Appellants (81-149), Stanley Dobrin, *et al.*, Defendants, Ernest Gertzen. Anoka County.

Affirmed in part; reversed in part. Scott, J.

81-440 Minnesota Association of Commerce and Industry, Plaintiff, v. Tom Foley, Ramsey County Attorney, Defendant, and Warren Spannaus, Attorney General, State of Minnesota, Intervening Defendant. Certified Questions from U.S. District Court.

A partisan political action committee (PAC), where separate funds are collected and maintained by corporations or corporate committees which not only provide all administrative support for the funds but also direct the payments out of the funds to political candidates designated by the sponsoring corporation, is not permitted by either Minn. Stat. § 210A.34 (1980) (pertaining to corporations) or Minn. Stat. § 72A.12, subd. 5 (1980) (pertaining to insurance companies) because this would be comparable to a donation direct from the corporate treasury, the very evil the legislative acts were designed to prevent.

In contrast, in political action committees commonly called "conduit" or "nonpartisan" PAC's, wherein corporation employees specify the particular candidates to whom they wish to make a donation and the corporation provides free administrative support but exerts no influence on the members to contribute to a particular candidate, or in political action committees commonly called "independent PAC's," which are sponsored by an organization in name only but receive no direct or indirect subsidy from the sponsoring corporation and only support candidates designated by their contributors, there is no conflict with the intention of the legislature when it enacted the above two statutes. In the conduit PAC, while the administrative expenses are a thing of value, the expenses are not expended on behalf of a particular candidate, and in the independent PAC there is the absence of the receipt of a "thing of value" from the corporation.

The prohibition of Minn. Stat. § 210A.34 (1980), declaring it unlawful for corporations to make any contributions to promote or defeat the election of any candidate to any political office, does not apply to nonprofit corporations.

Scott, J. Dissenting, Yetka and Wahl, JJ. Took no part, Peterson and Kelley, JJ.

## SUPREME COURT

---

81-694/Sp. Mutual Service Casualty Insurance Company, Appellant, v. Clayton Club, Inc., *et al.* Ramsey County.  
Reversed. Scott J.

51432/Sp. Edward Denn, d.b.a. Advance Foam of Minnesota, Inc., Appellant, v. First State Bank of Spring Lake Park, defendant and third party plaintiff, v. Dennis L. Carlson, Third Party Defendant. Scott County.

Minn. Stat. § 336.3-419(3) (1980) provides defenses to a depository bank which takes a check over a forged indorsement.  
Affirmed. Wahl, J. Took no part, Kelley, J.

52081/Sp. In the Matter of the Welfare of R.M.M. III. Ramsey County.

The evidence is sufficient under the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901-1963 (Supp. 1981), and Minn. Stat. § 260.221 (1978) to support termination of parental rights.

Affirmed. Wahl, J. Took no part, Kelley, J.

81-121/Sp. In the Matter of Arbitration between: State of Minnesota, by Barbara Sundquist, its Commissioner of the Department of Employee Relations, petitioner, v. Minnesota Teamsters Public and Law Enforcement Employees Union Local No. 320, and Thomas Lindgren, Appellant. Ramsey County.

Where the parties stipulated that the arbitrator should determine whether the employer had just cause for discipline, and the arbitrator found no just cause because the facts did not support a charge of negligence, the arbitrator did not exceed his authority even though he commented on the severity of the penalty and noted that it would be overturned.

Reversed and remanded. Wahl, J. Took no part, Kelley, J.

81-1008/Sp. Gary Wayne Meyer, Appellant, v. State of Minnesota. Hennepin County.

Evidence was sufficient to support convictions on robbery and weapons charges.

Trial court did not err in denying motion to suppress identification evidence which was claimed to be the product of a violation of the rule against unnecessary delay in taking a criminal defendant before a magistrate.

Affirmed. Wahl, J.

81-47/Sp. Reserve Mining Company, Babbitt Division, Relator, v. Sharon M. Gorecki, Commissioner of Economic Security. Department of Economic Security.

The Commissioner's determination that an employee's refusal of re-employment was for good cause was supported by substantial evidence, where the employee relocated 270 miles from the employment so as to improve her financial position and subsequently enrolled in a training program to improve her employment skills.

Affirmed. Simonett, J. Dissenting, Peterson, J., Amdahl, C. J., and Otis, J. Took no part, Kelley, J.

81-683 Marilyn Threlkeld, *et al.*, Appellants, v. The Robbinsdale Federation of Teachers, Local 872, AFL-CIO, State of Minnesota, intervenor, Public Employment Relations Board, intervenor. Hennepin County.

Prior opinion, which held that fair share fee statute, Minn. Stat. § 179.65, subd. 2, is constitutional on its face and as applied, is reinstated.

Prior opinion, which held that fair share fee statute, Minn. Stat. § 179.65, subd. 2, does not violate constitutional standards of procedural due process, is reinstated.

Affirmed. Kelley, J.

81-786/Sp. In Re the Marriage of: Earl F. Brown, petitioner, v. Beverly J. Brown, Appellant. Ramsey County.

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

81-202/Sp. Capitol Supply Co., Appellant, v. City of St. Paul. Ramsey County.

Reversed. Per Curiam. Took no part, Kelley, J.

81-1048/Sp. Michael and Joyce McKee, Appellants, v. The County of Ramsey and its Department of Taxation, and the State of Minnesota. Ramsey County.

Affirmed. Per Curiam.

44297 In the Matter of the Application for the Discipline of Ellsworth Irving Serstock, an Attorney at Law of the State of Minnesota. Supreme Court.

Multiple violations of the rules of professional conduct, both serious and repeated, warrant disbarment in this case.

Disbarred. Per Curiam. Took no part, Kelley, J.

---

---

## STATE CONTRACTS

51812 In the Matter of the Application for the Discipline of Paul V. Fling, an Attorney at Law of the State of Minnesota. Supreme Court.

Attorney publicly reprimanded; directives issued by the court. Per Curiam. Took no part, Amdahl, C. J.

### Decision Filed Tuesday, February 23, 1982

81-855/Sp. State of Minnesota v. Margaret Randolph, Appellant. St. Louis County.

Convicted criminal defendant placed on probation pursuant to Sentencing Guidelines has a right to refuse probation and to execution of sentence when the conditions attached to the probationary sentence make that sentence more onerous than a prison sentence.

Remanded. Amdahl, C. J.

### Decisions Filed Wednesday, February 24, 1982

81-987/Sp. State of Minnesota v. Tyrone A. Johnson, Appellant. Ramsey County.

Dispositional departure (execution of sentence rather than use of stayed sentence) was justified by defendant's demonstrated unamenability to probation, but length of defendant's sentence is reduced from 27 months to 24 months, which is the presumptive sentence duration established by the Sentencing Guidelines Commission.

Affirmed as modified. Amdahl, C. J.

81-1083/Sp. State of Minnesota v. Barry A. Brigger. Hennepin County.

Dispositional and durational departures from presumptive sentence established by Sentencing Guidelines Commission were proper but trial court erred in increasing sentence by an extra 6 months in order to negate the effect of jail credit provisions of Guidelines.

Affirmed as modified. Amdahl, C. 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 Energy, Planning and Development Developmental Disabilities Program

### **Notice of Request for Proposals for Demonstration of Model Projects of Respite Care Services**

The Developmental Disabilities Program announces that it is seeking proposals from eligible public or private non-profit organizations with the interest and capacity to undertake the following tasks:

To provide respite care services for persons having a developmental disability with the financial support of a grant from the Developmental Disabilities Program of the Department of Energy, Planning & Development.

Funding of up to \$175,000 is available for these projects. The department anticipates funding up to ten (10) projects for a one (1) year period. Individual project grants will not exceed \$30,000.00. Organizations receiving grants are to begin activity October 1, 1982. Subsequent funding is contingent upon priorities established by the Governor's Planning Council on Developmental Disabilities.

The guidelines to be used in the preparation of an application are available from the Developmental Disabilities Program Office. Deadline for the receipt of applications in the office is 5:00 p.m., Friday, April 30, 1982. To obtain a copy of the guidelines, please write or call:

Ronald E. Kaliszewski  
Developmental Disabilities Office  
201 Capitol Square Building  
550 Cedar  
St. Paul, MN 55101  
Phone: (612) 297-3207

## **Notice of Request for Proposals for Regional Coordination, Technical Assistance, Information Projects Related to People with Developmental Disabilities**

The Developmental Disabilities Program announces that it is seeking proposals from Regional Development Commissions or eligible private non-profit organizations with the interest and capacity to undertake the following task:

To deliver technical assistance, information and training to organizations delivering services to developmentally disabled persons and to work toward the improvement of the quality and quantity of services available to developmentally disabled persons with the financial support of a grant from the Developmental Disabilities Program of the Department of Energy, Planning and Development.

Funding of up to \$250,000 is available for these projects. Previous recipients will be funded at the current level to the extent possible and based on an evaluation of performance. Funding will be provided for one year. Organizations receiving grants are to begin activity October 1, 1982. Subsequent funding is contingent upon priorities established by the Governor's Planning Council on Developmental Disabilities.

The guidelines to be used in the preparation of an application are available from the Developmental Disabilities Program Office. Deadline for receipt of applications in the office is 5:00 p.m., Friday, April 30, 1982. To obtain a copy of the guidelines, please write or call:

Ronald E. Kaliszewski  
Developmental Disabilities Office  
201 Capitol Square Building  
550 Cedar  
St. Paul, MN 55101  
Phone: (612) 297-3207

## **Department of Energy, Planning and Development Energy Division**

### **Notice of Request for Proposals for Media Specialist**

The Minnesota Department of Energy, Planning and Development (DEPD) requires the services of a qualified consultant to perform as a media specialist in the development of audio-visual presentations on Minnesota's energy situation.

The development of the audio-visual presentations will include the following:

1. Preparation of a video-tape production, a slide-tape production, or a 16 mm production presenting Minnesota energy information, and being approximately 15-20 minutes in length.
2. Preparation of a script based on reports and curriculum materials available from DEPD.
3. Preparation of all photography and graphics necessary for the development of the final productions.
4. Content and vocabulary that is appropriate to viewers from grade 7 through 12 and general adult audiences.
5. Project will be completed on or before June 30, 1982.

Firms based in the State of Minnesota are to be given first consideration. Contractors with the Minnesota Department of Energy Planning and Development must apply for a Certificate of Compliance from the Minnesota Department of Human Rights. All bidders must submit, along with their proposal to the Minnesota Department of Energy, Planning and Development, a statement indicating that they have applied. Applications can be obtained by written request to the Minnesota Department of Human Rights, 240 Bremer Building, St. Paul, Minnesota 55101.

Proposals and inquiries should be directed to:

Jackie Lind, Education Manager  
Energy Division, DEPD  
980 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 296-8492

The estimated fee for this project is \$12,000.00. The deadline for submission of completed proposals will be the close of the working day March 29, 1982.

## **STATE CONTRACTS**

---

### **Department of Energy, Planning and Development Governor's Council on Rural Development**

#### **Notice of Request for Proposals for a Production and Marketing Feasibility Study of Birch Furniture Dimension Blanks**

Proposals are being accepted for a production and marketing feasibility study of birch furniture dimension blanks.

The purpose of the study is to determine the market potential of processing furniture dimension blanks from white birch in Minnesota. The study will focus on an analysis of the factors surrounding the production, marketing, and financial aspects of white birch furniture dimension blanks.

It is estimated that the cost of such a study need not approach but shall not exceed \$35,000.

Proposals must be submitted no later than 4:00 p.m., April 22, 1982. The formal Request for Proposal (RFP) may be requested and inquiries should be directed to: Shirley M. Rutherford, Governor's Council on Rural Development, 480 Cedar St., St. Paul, MN 55101; (612) 296-2115.

### **Department of Finance Debt Management Division**

#### **Request for Proposals to Assist in Sales of Short and Long Term Debt Instruments and in Review of Debt Management Policy**

The Department of Finance is seeking firms with expertise in the sale of short and long term debt instruments to provide assistance in the sale of tax free municipal bonds and certificates and review the state's debt management policy. The detailed requirements are outlined in the Request for Proposals (RFP) Statement of Work. The formal RFP may be requested and inquiries should be directed to:

Peggy Kenny  
Assistant to the Commissioner  
309 Administration Building  
St. Paul, MN 55155  
(612) 297-2799

The proposed contract will run from July 1, 1982 through June 30, 1983. The department estimates that the cost of this contract will be \$10,000-\$20,000. The deadline for the submission of completed proposals will be the close of the working day April 30, 1982.

### **Minnesota Teachers Retirement Association**

#### **Notice of Availability of Actuarial Consultation Contract (7/1/82-6/30/84)**

Provide actuarial consultant services to Association; prepare and submit actuarial valuations, experience studies and reports as required in Minn. Stat. § 356.215; assist in the preparation of the certification of funds required from the state; consult with the director of the board and staff on any matters of actuarial nature; make any necessary special statistical studies in connection with proposed legislation; and perform any other services of an actuarial nature which the board may deem desirable. Final submission date—April 15, 1982.

For more information, contact Harvey W. Schmidt or Elton I. Erdohl, Minnesota Teachers Retirement Association, 302 Capital Square Building, St. Paul, MN 55101, telephone (612) 296-2409.

## **Department of Natural Resources Fish and Wildlife Division**

### **Notice of Request for Proposals for Gathering Data on the Distribution, Status and Natural History of Minnesota Bats**

Notice is hereby given that the Department of Natural Resources intends to engage the services of a consultant to conduct a study of the distribution, status and natural history of Minnesota bats, placing particular emphasis on those species with solitary habits and/or the less common species with communal habits. The formal RFP may be requested and inquiries made should be directed to:

Lee Pfannmuller  
Nongame Program  
Department of Natural Resources  
Box 7, Centennial Bldg.  
St. Paul, Minnesota 55155

Proposals should be sent no later than April 7, 1982. The estimated amount of the contract is \$8000.

## **Office of the Secretary of State**

### **Request for Printing Proposal**

The Office of the Secretary of State requests proposals for the printing and coordinated purchase of voter registration cards by Minnesota counties. Information and sample cards available from Grace Haukoos, Election Division, 180 State Office Building, St. Paul, MN, 55155-1299, (612) 296-9218.

## **OFFICIAL NOTICES**

---

---

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

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

---

## **Department of Agriculture Agronomy Services Division**

### **Notice of Special Local Need Registration for Tordon 22K Herbicide**

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on February 12, 1982, issued a Special Local Need Registration for Tordon 22K Herbicide manufactured by the Dow Chemical Company, Midland, MI 48640.

The Commissioner of Agriculture, based upon information in the application, has determined it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide on range land and pasture areas to control broadleaf weeds. In addition, it allows for the use of Tordon 22K on spring barley and oats, spring and winter wheat not underseeded with a legume.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN No. MN 82-0002) is on file for inspection at:

## OFFICIAL NOTICES

---

Minnesota Department of Agriculture  
Agronomy Services Division  
90 West Plato Boulevard  
St. Paul, MN 55107  
Phone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending, or upholding this registration.

March 1, 1982

Mark W. Seetin, Commissioner

### Notice of Special Local Need Registration for Tordon 2K Pellets

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on February 12, 1982, issued a Special Local Need Registration for Tordon 2K Pellets manufactured by the Dow Chemical Company, Midland, MI 48640.

The Commissioner of Agriculture, based upon information in the application, has determined it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide on pasture and range land areas for hard to control weed species.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN No. MN 82-0003) is on file for inspection at:

Minnesota Department of Agriculture  
Agronomy Services Division  
90 West Plato Boulevard  
St. Paul, MN 55107  
Phone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending, or upholding this registration.

March 1, 1982

Mark W. Seetin, Commissioner

### Notice of Special Local Need Registration for Clarke 1% Skeeter Abate

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on February 12, 1982, issued a Special Local Need Registration for Clark 1% Skeeter Abate distributed by the Clarke Outdoor Spraying Company, Roselle, IL 60172.

The Commissioner of Agriculture, based upon information in the application, has determined it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental efforts.

This Special Local Need Registration permits the use of this pesticide product by employees of the Metropolitan Mosquito Control District. Clarke 1% Skeeter Abate is formulated on a sand granule and will provide desired penetration of heavy summer vegetation in mosquito breeding areas.



The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN No. MN 82-0001) is on file for inspection at:

Minnesota Department of Agriculture  
Agronomy Services Division  
90 West Plato Boulevard  
St. Paul, MN 55107  
Phone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending, or upholding this registration.

March 1, 1982

Mark W. Seetin, Commissioner

## Department of Natural Resources

### Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Stearns 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 Court House, St. Cloud, MN, on April 16, 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 Henry Dickhaus, Melrose, MN 56352, Department of Natural Resources representative Karen Loechler, 1200 Warner Road, St. Paul, MN 55106 and County Soil and Water Conservation District representative Jerome Bechtold, Route 4, St. Cloud, MN 56301.

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 para. A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

#### A. PUBLIC WATERS

##### 1. Watercourses.

<u>NAME</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u> -to- <u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	
Unnamed tributary	3	125 (Raymond)	35	24	126 (Ashley)	35
Unnamed tributary	31	127 (Ashley)	35	34	127 (Ashley)	35
Unnamd to Spunk Creek	15	126 (Holding)	30	26	126 (Holding)	30

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

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
73-284: Sand Lake	35,36,2	124;125 (North Fork; Raymond)	35
73-470: Unnamed	13	125 (Raymond)	35
73-574: Unnamed	4;33,34	125;126 (Raymond; Ashley)	35

#### B. WETLANDS

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
73-189: Unnamed	24	126 (Krain)	31
73-193: Beautiful Lake	5;32	126;127 (Krain)	31
73-195: Unnamed	32	127 (Krain)	31
73-198: Unnamed	7;12	124 (Farming; St. Martin)	31;32
73-250: Clear Lake	7	126 (Melrose)	33
73-262: Unnamed	3,4	125 (Getty)	34

## OFFICIAL NOTICES

73-272:	Unnamed	13	126 (Sauk Centre)	34
73-334:	Jenasen Marsh	30	125 (Getty)	34
73-346:	Unnamed	11,14	126 (Ashley)	35
73-355:	Unnamed	8,9,16,17	123 (Crow River)	34
73-406:	Unnamed	32	127 (Krain)	31
73-436:	Unnamed	4	126 (Melrose)	33
73-437:	Unnamed	3	126 (Melrose)	33
73-441:	Unnamed	18	126 (Millwood)	32
73-452:	Unnamed	36	127 (Sauk Centre)	34
73-495:	Unnamed	2	124 (St. Martin)	32
73-498:	Unnamed	26	125 (St. Wendel)	29
73-568:	Unnamed	17,18	124 (St. Martin)	32
73-575:	Unnamed	12,13	125 (Raymond)	35
73-576:	Unnamed	12	125 (Raymond)	35
73-595:	Unnamed	12	126 (Ashley)	35
*73-596:	Unnamed	SW 12	126 (Ashley)	35
*73-597:	Unnamed	NE 21	126 (Ashley)	35
*73-598:	Unnamed	NW 7	125 (Raymond)	35
*73-599:	Unnamed	SE 30	124 (Collegeville)	30
*73-600:	Unnamed	SE 31	124 (Collegeville)	31

\*Petitioned to be added.

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.

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 or to

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

March 8, 1982

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## **Pollution Control Agency**

### **Notice of the Director's Preliminary Recommendation as to the Intrinsic Suitability of Proposed Hazardous Waste Disposal Facility Sites in Marshall, Kittson, Aitkin and St. Louis Counties**

On March 1, 1982, notice of hearings on proposed hazardous waste facility sites in Marshall, Kittson, Aitkin and St. Louis Counties was published in the *State Register* (6 S.R. 1545). These hearings will take place during the week beginning March 15, 1982, in accordance with the hearing procedures published at 6 S.R. 1450, February 15, 1982.

Pursuant to Minn. Stat. § 115A.21, subd. 2 (Supp. 1981), the Director of the Minnesota Pollution Control Agency hereby gives notice of his preliminary recommendations as to the intrinsic suitability of the proposed hazardous waste facility sites.

The director's preliminary recommendation is that the following sites be certified as intrinsically suitable for use as commercial hazardous waste disposal facilities: Aitkin 1, Aitkin 3, Aitkin 4, Marshall 1, Marshall 2 and Marshall 3. The director has recommended that Aitkin 1, Aitkin 3 and Marshall 1 be certified for use as area fill type hazardous waste landfills and that Aitkin 4, Marshall 2 and Marshall 3 be certified for use only as above-ground hazardous waste disposal facilities.

The director's preliminary recommendation for the site in St. Louis County and the site in Kittson County is that these sites *not* be certified as intrinsically suitable for use as commercial hazardous waste disposal facilities.

Please take notice that the director's recommendation is subject to change as a result of information received at the hearings.

Questions regarding the director's preliminary recommendations may be directed to John Holck, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113, telephone (612) 297-2707.

## **Department of Transportation**

### **Petition of the County of Carlton for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of the County of Carlton has made a written request to the Commissioner of Transportation for a variance from minimum design standards for design speed along CSAH 6 from 1.7 Miles East of Barnum and CSAH 5.

The request is for a variance from 14 MCAR § 1.5032 H.I.d. Rules for State Aid Operations under Minnesota Statute, Chapters 162 and 163 (1978) as amended, so as to permit a design speed of 40 miles per hour instead of a minimum design speed of 45 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 5th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of Wabasha County for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Wabasha County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a special resurfacing project along CSAH 2 between Trunk Highway 63 and Trunk Highway 60.

The request is for a variance from 14 MCAR § 1.5032 H.I.d. Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978) as amended, so as to permit a design speed of 40 miles per hour instead of a required design speed of 45 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

## OFFICIAL NOTICES

---

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested hearing has been held on the request.

Dated this 5th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of Rice County for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Rice County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a special resurfacing project along CSAH 20 between CSAH 25 in the City of Faribault and a point 2.94 Miles North in Cannon City.

The request is for a variance from 14 MCAR § 1.5032 H.1.d. Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 152 (1978) as amended, so as to permit a design speed of 40 miles per hour instead of a required design speed of 45 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 5th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of Freeborn County for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Freeborn County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for special resurfacing projects along CSAH 10 from C.R. 95 to CSAH 33; along CSAH 20 from Lakeview Boulevard in Albert Lea to CSAH 14; and along CSAH 13 from London Township Road #275 to East County Line.

The request is for a variance from 14 MCAR § 1.5032 H.1.d. Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978) as amended, so as to permit a design speed of 43 miles per hour on CSAH 10; 42 miles per hour on CSAH 20; and 42 miles per hour on CSAH 13, instead of a required design speed of 45 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 5th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of Preble Township, Fillmore County for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the Board of Preble Township and the County Board of Fillmore County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a bridge replacement project located on Preble Township Road 0.2 Mile South of T.H. 43 on the west line of Section 34, Township 102 North, Range 8 West.

The request is for a variance from 14 MCAR § 1.5032 H.1.a. Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978) as amended, so as to permit a design speed of 20 miles per hour instead of a required design speed of 30 miles per hour.

---

---

## OFFICIAL NOTICES

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 5th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the City of Anoka for a Variance from State Aid Standards for Street Width**

Notice is hereby given that the City Council of the City of Anoka has made a written request to the Commissioner of Transportation for a variance from minimum design standards for street width along Military Road between South Street and Washington Street and along South Street between Fifth Avenue and Seventh Avenue.

The request is for a variance from 14 MCAR § 1.5032 H.I.C. Rules for State Aid Operations under Minnesota Statute, Chapters 162 and 163 (1978) as amended, so as to permit a minimum roadway width of 44 feet with parking permitted instead of a roadway width of 46 feet with parking permitted.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 5th day of March, 1982.

Richard P. Braun  
Commissioner of Transportation

STATE OF MINNESOTA  
State Register and Public Documents Division  
117 University Avenue  
St. Paul, Minnesota 55155

## ORDER FORM

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

\_\_\_\_\_ Annual subscription \$130.00  
\_\_\_\_\_ Single copies \$3.00 each

**Minnesota Guidebook to State Agency Services 1982-83** A 750-page reference guide to services provided by Minnesota agencies.

\_\_\_\_\_ Single copy \$9.00 + \$.45 sales tax = \$9.45 each

**Session Laws of Minnesota—1981.** Two volumes. Laws enacted during the 1981 legislative session. Inquire about back volumes. \$25 + \$1.25 (sales tax) = \$26.25.

**State Register Binder.** Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

\_\_\_\_\_ *State Register Binder* \$6.00 + \$.30 (sales tax) = \$6.30\* each

**State Register Index.** Contains cumulative findings aids to Volume 5 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

\_\_\_\_\_ Single copy \$5.00

**Minnesota Statutes Supplement—1981.** One volume. \$25 + \$1.25 (sales tax) = \$26.25.

**Worker's Compensation Decisions.** Volume 34. Selected landmark decisions of the Worker's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

\_\_\_\_\_ Annual subscription \$50.00

**Documents Center Catalog—1981-82.** Complete listing of all items available through the Documents Center. Agency rules, brochures, studies, catalogs, maps, prints, commemorative items and much more.

\_\_\_\_\_ FREE COPY

\*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

Name \_\_\_\_\_

Attention of: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

## 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.

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

Legislative Reference Library  
Room 111 Capitol  
Interoffice

---