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STATE OF MINNESOTA



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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 7			
5	Monday July 19	Monday July 26	Monday Aug 2
6	Monday July 26	Monday Aug 2	Monday Aug 9
7	Monday Aug 2	Monday Aug 9	Monday Aug 16
8	Monday Aug 9	Monday Aug 16	Monday Aug 23

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

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

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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:

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Issues 14-25, inclusive	Issues 40-51, inclusive
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PROPOSED RULES

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

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

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

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

Board of Animal Health

Proposed Rules Governing Official Identification Tags and Brands (3 MCAR § 2.062)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 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 the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

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

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

Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Authority for the adoption of these rules is contained in Minnesota Statutes § 35.03 (1980). 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 Dr. W. J. Mackey 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 Dr. W. J. Mackey.

[A copy of the proposed rules is attached to this notice.]

J. G. Flint, D.V.M.
Secretary and Executive Officer

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

Rule as Proposed (all new material)

3 MCAR § 2.062 Official identification tags and brands.

A. Definition. For the purposes of this rule, "official identification tag" means a metal identification eartag conforming to the nine-character alpha-numeric National Uniform Eartagging System, contained in chapter 1, part 1, paragraph M, of the Brucellosis Eradication Uniform Methods and Rules, May 1, 1982 edition, issued by the United States Department of Agriculture. It provides unique identification for each individual animal.

B. Sale and application. Official identification tags may be sold only to veterinarians accredited under Code of Federal Regulations, title 9, section 160.1(d.), and may be applied only by or under the direct supervision of an accredited veterinarian. This requirement does not apply to official identification tags issued to artificial insemination technicians, identified as 41XAA through 41XZZ, or issued to the Dairy Herd Improvement Association, identified as 41WAA through 41WZZ.

C. Other tags prohibited. Every person applying eartags to cattle for purposes of compliance with rules of the Board of Animal Health shall use official identification tags.

D. Animals with existing tags. When an animal is already identified by an official identification tag, that tag number must be recorded for official records and another official identification tag may not be applied, except when the owner of an animal already identified by an official identification tag wants the animal identified by an official vaccination identification tag at the time of the animal's vaccination against brucellosis.

E. Removal prohibited; exception. No person may remove official identification tags, market cattle testing tags, or leg bands, or efface brands approved and registered by the Board of Animal Health under Minn. Stat. § 35.822, except that market cattle testing tags may be removed by a veterinarian securing a blood sample for a brucellosis test.

Repealer. Rule LSB 62 of the Board of Animal Health is repealed.

Board of Animal Health

Proposed Amendment of Rules Governing Control of Bovine Paratuberculosis in Minnesota (3 MCAR § 2.015)

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to amend the above-entitled rules without a public hearing. The board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 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 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 requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subs. 4-4f.

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

Attention Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
St. Paul, MN 55101

Authority for the amendment of these rules is contained in Minnesota Statutes § 35.03 (1980). 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 Dr. W. J. Mackey upon request.

Upon amendment 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 amended 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 amendment, should submit a written statement of such request to Dr. W. J. Mackey.

The rule proposed for amendment relates to the following matter: 3 MCAR § 2.015 Control of Bovine Paratuberculosis in Minnesota.

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

J. G. Flint, D.V.M.
Secretary and Executive Officer
State Board of Animal Health

Rule as Proposed

~~LSB 15~~ 3 MCAR § 2.015 Control of bovine paratuberculosis in Minnesota.

(a) Definitions.

(1) Board means the ~~Minnesota State Livestock Sanitary~~ Board of Animal Health or its authorized agent.

(2) [Unchanged.]

(3) Herd means ~~any number of all cattle owned by one or more persons which are maintained on one or more premises and which associate with or contact one another or are cared for by the same personnel under common ownership or supervision that are grouped on one or more parts of a single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.~~

(4) [Unchanged.]

(5) Test and testing means the cervical intradermic injection of Johnin and palpation of the injection site 48 hours after the injection or the intravenous injection of Johnin with recording of post injection temperatures by a veterinarian ~~of the Board of USDA~~, or smears of rectal scrapings or fecal samples for culturing submitted to an official laboratory by a veterinarian for evaluation or other tests as approved by the board.

(6)-(9) [Unchanged.]

(b) General requirements.

(1) and (2) [Unchanged.]

(3) Testing:

(aa)-(cc) [Unchanged.]

(dd) Tests involving the use of Johnin will be conducted only by veterinarians ~~of the Board of USDA~~. Rectal scrapings, fecal smears, or fecal samples for culturing may be secured and submitted to official laboratories by ~~an accredited~~ a veterinarian.

(ee) and (ff) [Unchanged.]

(4)-(7) [Unchanged.]

Board of Animal Health

Proposed Amendment of Rules Governing Control of Salmonella Typhi-Murium Disease in Turkeys (LSB 33)

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to amend the above-entitled rules without a public hearing. The board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 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 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.

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

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

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

Attention Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
St. Paul, MN 55101

Authority for the amendment of these rules is contained in Minnesota Statutes § 35.03 (1980). 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 Dr. W. J. Mackey upon request.

Upon amendment 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 amended 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 amendment, should submit a written statement of such request to Dr. W. J. Mackey.

The rules proposed for amendment relate to the following matters: LSB 33 Control of Salmonella Typhi-Murium Disease in Turkeys.

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

J. G. Flint, D.V.M.
Secretary and Executive Officer

Rules as Proposed

3 MCAR § 2.032 Control of Mycoplasma in poultry.

A.-B. [Unchanged.]

C. Flock participation requirements.

1.-4. [Unchanged.]

5. All turkeys in the flock, whether or not sampled, birds from which a blood sample is collected shall be identified with an official leg or wing band or other acceptable identification approved by the board. ~~The bands or other acceptable identification can be applied at the time the turkey blood samples are collected or at some prior time. All sampled birds in chicken and other poultry flocks shall be identified with an official leg or wing band approved by the Board at the time the samples are collected.~~

6. [Unchanged.]

D.-M. [Unchanged.]

LSB 33 Control of Salmonella Typhi-Murium disease in turkeys. Pursuant to Minnesota Statutes ~~1969~~, sections 35.03 and 15.0412, and ~~chapter 8, Session Laws of 1969~~ ch. 8, the Livestock Sanitary Board hereby adopts the following rules and regulations:

(a)-(d) [Unchanged.]

(e) Testing.

(1)-(3) [Unchanged.]

(4) All birds in the flock, whether or not sampled, from which blood samples and fecal swabs are collected shall be identified with an official leg or wing band or other acceptable identification approved by the board at the time the ~~blood samples and fecal swabs are collected or prior to the sampling during the process of selection~~ collections are made.

(5) and (6) [Unchanged.]

(f)-(l) [Unchanged.]

Board of Animal Health

Proposed Amendment of Rules Governing Control of Mycoplasma in Poultry (3 MCAR § 2.032)

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to amend the above-entitled rules without a public hearing. The board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 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 the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

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

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

Attention Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
St. Paul, MN 55101

Authority for the amendment of these rules is contained in Minnesota Statutes § 35.03 (1980). 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 Dr. W. J. Mackey upon request.

Upon amendment 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 amended 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 amendment, should submit a written statement of such request to Dr. W. J. Mackey.

The rule proposed for amendment relates to the following matters: 3 MCAR § 2.032 Control of Mycoplasma in Poultry.

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

J. G. Flint, D.V.M.
Secretary and Executive Officer

Rules as Proposed

3 MCAR § 2.032 Control of Mycoplasma in poultry.

A.-B. [Unchanged.]

C. Flock participation requirements.

1.-4. [Unchanged.]

5. All ~~turkeys in the flock, whether or not sampled,~~ birds from which a blood sample is collected shall be identified with an official leg or wing band or other acceptable identification approved by the board. ~~The bands or other acceptable identification can be applied at the time the turkey blood samples are collected or at some prior time. All sampled birds in chicken and other poultry flocks shall be identified with an official leg or wing band approved by the Board at the time the samples are collected.~~

6. [Unchanged.]

D.-M. [Unchanged.]

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

LSB 33 Control of Salmonella Typhi-Murium disease in turkeys. Pursuant to Minnesota Statutes ~~1969~~, sections 35.03 and 15.0412, and ~~chapter 8, Session Laws of 1969 ch. 8~~, the Livestock Sanitary Board hereby adopts the following rules and regulations:

(a)-(d) [Unchanged.]

(e) Testing.

(1)-(3) [Unchanged.]

(4) All birds in the flock, ~~whether or not sampled~~, from which blood samples and fecal swabs are collected shall be identified with an official leg or wing band or other acceptable identification approved by the board at the time the ~~blood samples and fecal swabs are collected or prior to the sampling during the process of selection~~ collections are made.

(5) and (6) [Unchanged.]

(f)-(l) [Unchanged.]

Minnesota Public Utilities Commission

Proposed Rules Governing Cogeneration and Small Power Production

Notice of Hearing

Notice is hereby given that public hearings in the above entitled matter will be held by the Minnesota Public Utilities Commission (the commission) pursuant to Minn. Stat. § 15.0412, subd. 4, at the following times and locations:

Tuesday, September 7, 1982, 9:00 a.m., Room 123, State Capitol Bldg., Aurora Avenue, St. Paul, MN 55155;

Wednesday, September 8, 1982, 10:00 a.m., Auditorium, Minnesota Valley Regional Library, 100 E. Main St., Mankato, MN 56064;

Wednesday, September 8, 1982, 7:00 p.m., Council Chambers, City Hall, Fourth Ave. and Third St. S.W., Rochester, MN 55901;

Monday, September 13, 1982, 10:00 a.m., Council Chambers, City Hall Annex, 20 Fourth Avenue South, St. Cloud, MN 56301;

Monday, September 13, 1982, 6:00 p.m., County Commissioners Board Room, St. Louis County Courthouse, Fifth Avenue West and First Street, Duluth, MN 55802;

Tuesday, September 14, 1982, 9:30 a.m., Conference Room, City Hall, 420 Pokegama Ave., Grand Rapids, MN 55744;

Tuesday, September 14, 1982, 6:00 p.m., Board Room, Koochiching County Courthouse, 711 Fourth St., International Falls, MN 56649;

Wednesday, September 15, 1982, 1:00 p.m., Conference Room, Polk County Courthouse, 617 North Broadway, Crookston, MN 56716;

Thursday, September 16, 1982, 9:00 a.m., Basement Meeting Room, Government Services Building, 505 South Court St., Fergus Falls, MN 56537;

Friday, September 17, 1982, 9:00 a.m., Community Room, Pipestone County Courthouse Annex, South Hiawatha St., Pipestone, MN 56164.

The hearings will commence at the designated times and continue until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules by submitting either oral or written data, statements or arguments.

This rulemaking proceeding is being held pursuant to Minn. Stat. § 216A.05, subd. 1 and Minn. Stat. § 216B.164, subd. 6 and arises from the need to promulgate rules to implement Minn. Stat. § 216B.164, certain provisions of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. § 2601 *et seq.*) and the Federal Energy Regulatory Commission regulations thereunder (18 CFR § 292.101 *et seq.*).

The purpose of the proceeding is to determine the need for and reasonableness of the proposed rules as well as allowing the commission the opportunity to obtain additional public input on the form and content of the proposed rules.

The hearings will be held before Hearing Examiner Bruce Campbell, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Ave., Minneapolis, Minnesota 55415, telephone (612) 341-7602, a hearing examiner appointed by the

chief hearing examiner of the State of Minnesota. All parties have the right to be represented by legal counsel, by themselves, or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law. The hearings will be conducted in accordance with the applicable laws relating to the commission, the Administrative Procedures Act (Minn. Stat. §§ 15.0411 through 15.0417 and 15.052), the rules of the Office of Administrative Hearings (9 MCAR §§ 2.101 through 2.113), and the rules of practice of the commission (PSC 500 through 521), to the extent that they have not been superseded by the rules of the Office of Administrative Hearings.

The above-cited procedural rules are available for inspection at the Office of Administrative Hearings and the Public Utilities Commission or may be purchased from the State Register & Public Documents Division of the Department of Administration, 117 University Ave., St. Paul, Minnesota 55155, telephone (612) 297-3000.

The cited procedural rules provide generally for the procedural rights and obligations including the right to present evidence and cross examine witnesses, the right to purchase a record or transcript, and the obligation to meet certain time limits.

The hearings will address issues pertaining to terms, conditions, rates for purchases, rates for sale, and interconnection specifications and procedures for cogeneration and small power production facilities. A cogeneration facility uses heat of combustion to produce both electricity and useful heat or mechanical energy. A small power plant production facility generates electrical energy from renewable resources (hydro, wind, solar, biomass, etc.) A topical outline of the rules is as follows:

- 4 MCAR § 3.0450 Scope and Purpose
- 4 MCAR § 3.0451 Definitions
- 4 MCAR § 3.0452 Filing Requirements
- 4 MCAR § 3.0453 Reporting Requirements
- 4 MCAR § 3.0454 Conditions of Service
- 4 MCAR § 3.0455 Rates for Sales
- 4 MCAR § 3.0456 Standard Rates for Purchases
 - (A) Net Energy Billing
 - (B) Simultaneous Purchase and Sale
 - (C) Time of Day Purchase Rates
- 4 MCAR § 3.0457 Negotiated Rates for Purchases
- 4 MCAR § 3.0458 Utility Treatment of Costs
- 4 MCAR § 3.0459 Wheeling and Exchange Agreements
- 4 MCAR § 3.0460 Disputes
- 4 MCAR § 3.0461 Notification to Customers
- 4 MCAR § 3.0462 Interconnection Guidelines
- 4 MCAR § 3.0463 Existing Contracts

The proposed rules appear in their entirety in the *State Register*, Volume 6, Number 39, March 29, 1982, pp. 1640-1648 (6 S.R. 1640).

Any interested person will be provided with one copy of the proposed rules without charge upon request to Howard D. Swanson, 780 American Center Bldg., 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone number (612) 296-0863. Additional copies will be available at the hearings.

The adoption of this rule by the commission will require the expenditure of monies by Minnesota municipal electric utilities. Minnesota Statutes § 15.0412, subd. 7 requires that a fiscal note accompany this notice if the total cost to all public bodies in the state to implement the rule for the two years immediately following adoption of the rule exceeds \$100,000 in either year. The commission estimates that the total cost to implement this rule incurred by Minnesota municipal electric utilities to be \$600,000.00.

In the interest of efficiency, the commission requests that any person having comments on or objections to any part of the proposed rules submit their comments or objections to the commission (attention Randall D. Young, Executive Secretary, Docket No. E-999/R-80-560) and to Hearing Examiner Campbell as soon as possible and preferably prior to September 7, 1982. Any such comments or objections should:

- state concisely and with particularity each portion of the proposed rules that the author supports or objects to;
- state the basis for the author's support or objection; and

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

state any proposed modifications to the proposed rules, the author's reasons for those modifications, and the basis for those modifications.

Failure to submit such comments or objections prior to the hearings will not prohibit any person from submitting written or oral statements on the record at the hearings.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the commission offices and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the commission anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

All persons are advised that no factual information or evidence which is not part of the hearing record shall be considered by the hearing examiner or by the commission in the determination of the above-cited matter. Persons attending the hearings should bring all factual information and evidence bearing on the case which they wish to have included in the record.

At the hearings, the commission will, through its staff's written and oral testimony, explain the proposed rules and the commission's reasons for proposing them. Copies of any written testimony and the statement of need and reasonableness will be available at the hearings.

Upon completion of the commission's presentation, interested persons will be given an opportunity to address questions to the commission's staff and to submit written and oral statements. It is the commission's intent and desire that after its staff has completed its presentation, comments and statements be received from interested persons before proceeding to questioning. An opportunity to question the commission's staff will be afforded all persons upon completion of the exchange of information and comments.

Interested persons who wish to make statements may do so by responding to the commission's presentation or by offering new information. In addition, interested persons may request the commission's staff to provide further explanations of any portion of the proposed rules if the persons are unclear about the commission's reasons. All persons making oral statements are subject to questioning by the commission's staff.

The commission will respond, in so far as possible, at the hearings to objections and questions presented at the hearings by interested persons. Interested persons may respond with oral or written statements to any new information presented by the commission. The commission may respond to objections or comments in writing after the close of the hearings.

Written material may be submitted and recorded in the hearing record for five working days after the conclusion of the public hearings. Such a comment period may be extended for a period not to exceed 20 calendar days if so ordered by the hearing examiner.

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

All persons are advised that the proposed rules may be modified as a result of the hearing process.

Questions concerning the content or form of the above-entitled rules should be directed to Stuart Mitchell, 780 American Center Bldg., 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone (612) 296-8662. Any questions concerning the conduct of the hearings should be directed to the assigned Hearing Examiner.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

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

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

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

Randall D. Young
Executive Secretary

SUPREME COURT

Decisions Filed Friday, July 16, 1982

Compiled by John McCarthy, Clerk

81-1126 Albert J. Bilotta, Employee, v. Labor Pool of St. Paul, Inc., *et al.*, Relators, and Safelite Industries, Inc., *et al.* Workers' Compensation Court of Appeals.

There was sufficient evidence to support finding that general and special employers agreed that general employer would be responsible for workers' compensation insurance and, thus, general employer and its insurer were not entitled to reimbursement for benefits paid.

Affirmed. Yetka, J.

81-1148 John E. McManus, Jr., petitioner, Appellant, v. Independent School District No. 625. Ramsey County.

Under the Teacher Tenure Act for cities of the first class, Minn. Stat. § 125.17, subd. 11 (1980), seniority of a principal must be determined from the date of employment in the school district, not from the date of employment as a principal.

Reversed. Scott, J.

81-1363 Raymond O. Buchholz, *et al.*, Appellants, v. Capp Homes, Inc., *et al.* Hennepin County.

Minn. Stat. § 363.06, subd. 3, requires that a claim of an unfair discriminatory practice under the Minnesota Human Rights Act, brought as a civil action, be commenced within six months after the occurrence of the discriminatory act.

Affirmed and remanded. Scott, J.

81-501, 81-712 Robert C. Bouten, Appellant (81-712), v. Richard Miller Homes, Inc., *et al.*, Appellants (81-501). Hennepin County.

Oral purchase agreement for sale of an interest in land between appellant and respondent did not constitute enforceable contract because it did not comply with the Statute of Frauds.

Part performance will not remove contract from requirements of Statute of Frauds when action is at law for damages and no equitable relief is sought.

No evidence that appellant intentionally and without justification interfered with respondent's "contract rights," because no contract existed.

No evidence that appellant acted outside the scope of his duties as president of the corporation or with malice for his own personal interests.

Reversed. Kelley, J.

81-948 State of Minnesota v. Willie D. Loyd, Appellant. Hennepin County.

Evidence of defendant's guilt of being a felon in possession of a firearm was sufficient. Trial court did not prejudicially err in evidentiary rulings concerning prosecutor's cross-examination of defendant about prior use of guns.

Affirmed. Kelley, J.

81-4 In the Matter of the Application for the Discipline of Roger Donald Sax, an Attorney at Law of the State of Minnesota. Supreme Court.

Per Curiam.

Decision Filed Wednesday, July 7, 1982

81-1282 State of Minnesota v. Richard D. Partlow, Appellant. Ramsey County.

Evidence was sufficient to sustain defendant's conviction of criminal sexual conduct in the first degree.

Particular vulnerability of victim and particularly cruel way in which defendant committed offense justify doubling length of presumptive sentence established by Sentencing Guidelines Commission.

Affirmed as modified. Amdahl, C. J. Dissenting. Kelley, J., and Yetka, 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 Agriculture Plant Industry Division

Notice of Request for Proposals for Advertising Services

The Plant Industry Division, Department of Agriculture, is seeking a consultant to provide advertising services under contract as follows:

1. To promote the quality of Minnesota Certified Seed Potatoes and thus increase the demand and sales of same through advertising promotion in various printed media, including various potato oriented publications throughout the country;
2. To develop and implement, upon review and approval of the department, an advertising campaign to accomplish objective #1.

The selected consultant will be paid up to \$21,000 for services rendered. The actual contract payment will be based upon the actual services performed. The contract will be for September 1, 1982 through June 30, 1983.

Proposal submissions will be accepted until 4:30 p.m. on August 16, 1982. The formal RFP may be requested from and other inquiries may be made to:

Ronald M. Sushak
Plant Industry Division
90 West Plato Blvd., Room 226
St. Paul, Minnesota 55107
(612) 296-8410

OFFICIAL NOTICES

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

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

Minnesota State Agricultural Society Minnesota State Fair

Meeting Notice

The first scheduled meeting of the Minnesota State Agricultural Society's board of managers during the 1982 State Fair, Aug. 26 through Sept. 6, will be at 9 a.m. Friday, Aug. 27, in the Administration Building on the fairgrounds, St. Paul.

Subsequent meetings will be at the call of the society's president as necessary to conduct fair-related business. Dates and times will be available from Jerry Hammer at publicity headquarters in the Service Building on the fairgrounds.

Metropolitan Council

Public Hearing of The Metropolitan Council and Metropolitan Health Planning Board for the Joint Consideration of Two Policies Relating to Further Additions of Beds to the Nursing Home System

The Metropolitan Council and Metropolitan Health Planning Board will jointly hold a public hearing on Wednesday, August 18, 1982, at 7:00 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, Saint Paul, Minnesota 55101 for the purpose of receiving written and oral comments on two policies relating to further additions of beds to the nursing home system in the Seven-County Metropolitan Area. Copies of the two policies with supporting documentation are available free of charge and for public inspection beginning July 19, 1982 at the Metropolitan Health Planning Board, 300 Metro Square Building, Saint Paul, telephone 291-6352.

Persons wishing to speak at this public hearing may register in advance by contacting Eleanor Suneson at 291-6352. Those who register first will be scheduled to speak first. If you cannot attend you are encouraged to send written comments to the Metropolitan Health Planning Board, up to seven days following this hearing. For further information, contact the Metropolitan Health Planning Board at 291-6352.

Barbara O'Grady, Chairperson
Metropolitan Health Planning Board
Charles Weaver, Chairman
Metropolitan Council

Department of Military Affairs

Notice of State Surplus Property Sale

The State Department of Military Affairs offers for sale by sealed bids the National Guard Armory at 419 South Minnesota Avenue, St. Peter, Minnesota 56082. The property is legally described as follows:

Lot 3 and North 10½ feet of Lot 4, Block 201, Original Plat, and a permanent easement and right-of-way over the easterly 20 feet of the southerly 55.5 feet of Lot 4, Block 201, along and adjacent to the alley at the easterly end of said Lot 4.

The sale shall include the improved site, which measures approximately 76.5' × 155', the armory building described as follows:

The original armory is a masonry structure with concrete floors. It was built in 1912 and has about 5000 square feet of ground floor area. There is an attached vehicle storage addition built in 1941 which has about 2880 square feet. It is of masonry construction with concrete floor and overhead heaters.

The property will be available for inspection by appointment only. Arrangements for showing may be made by contacting Robert Junge at the address and telephone in an ensuing paragraph.

Sealed bids for the purchase of the property will be received in the Office of Real Estate Management, Room G-22 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, until 2:30 p.m. on July 29, 1982, at which time and place bids will be publicly opened and read aloud.

BIDS IN AN AMOUNT LESS THAN \$75,000.00 WILL NOT BE ACCEPTED.

Bids will be accepted only if submitted on forms supplied by the state. Bid forms with complete instructions as to the bidding procedure may be obtained by contacting Robert Junge, Unit Administrator, St. Peter National Guard Armory, 419 South Minnesota Avenue, St. Peter, Minnesota 56082, telephone 507/931-2710, or Howard Eicher, Assistant Director, Real Estate Management, at the St. Paul address in the previous paragraph, telephone 612/296-6674.

To qualify as an acceptable bid, a bid must be accompanied by bid security in the form of a cashier's check or a certified check or a money order payable to the State of Minnesota in an amount not less than 10% of the bid. The bid security will act as a down payment for the successful bidder. Bid security for all unsuccessful bidders will be returned within 15 days to each respective unsuccessful bidder.

The successful bidder will have the option of making payment of the balance remaining after use of the bid security as a down payment by one of the two following methods.

1. Payment in full of the remaining balance no later than October 29, 1982;

OFFICIAL NOTICES

2. Payment of the remaining balance in not less than equal annual installments for not to exceed five years, with principal and interest payable annually in advance at the rate of 14½% per annum on the unpaid balance, by certified check or cashier's check payable to the State Treasurer on or before June 1 of each year.

In the event the successful bidder elects to make payment in installments in accordance with option (2) above, the State of Minnesota will enter into a contract for deed with the successful bidder. The contract for deed will set forth the conditions of the sale.

Bidders are advised that the property is offered "as is." Possession will be transferred to the successful bidder on or about October 15, 1982, if the successful bidder has (1) made payment in full, or (2) entered into a contract for deed with the State of Minnesota.

When payment in full has been received by the State of Minnesota, the State shall convey the property by QUIT CLAIM DEED. The State of Minnesota *will not* furnish an abstract. Prospective bidders are hereby admonished that the state assumes no obligation to perform any acts or to pay for any expenses incurred in connection with possible title deficiencies except to deliver an executed QUIT CLAIM DEED. Interested prospective bidders are advised to inspect the real estate and conditions of title in order to insure full knowledge of existing conditions.

The State of Minnesota will pay the real estate taxes, if any, due and payable against this property in the year 1982 and all prior years. The successful bidder shall be responsible for the payment of all real estate taxes due and payable in 1983, if any, and in all succeeding years.

The State of Minnesota will pay in full all special assessments due and payable against this property as of the date of the sale.

The Adjutant General reserves the right to reject any or all bids and to waive informalities therein.

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is August 17, 1982.

ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS has 9 vacancies open for members. The Task Force advises the Board of Education in the administration of the American Indian Language and Culture Education Act, and reviews proposals and makes recommendations to the board on approval and funding of bicultural programs in Minnesota schools. Members are appointed by the Board of Education and include representatives of the Minnesota Sioux Tribe, the Minnesota Red Lake Tribe, the Minnesota Chippewa Tribe, and metropolitan areas of Duluth, Minneapolis, and St. Paul, and a member representing Indian Alternative Schools. Also included are representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, and persons knowledgeable in the field of American Indian language and culture education. Between 3 and 5 meetings per year are held at various sites statewide; members are reimbursed for expenses. For specific information contact Advisory Task Force on American Indian Language and Culture Education Programs, 303 Capitol Square Building, St. Paul 55101; (612) 296-6458.

EARLY CHILDHOOD AND FAMILY EDUCATION ADVISORY TASK FORCE has 1 vacancy open for a public member, parent of a young child. The task force advises the council on quality education in the administration of early childhood and family education (ECFE) programs. Members are appointed by the Council on Quality Education. For specific information contact Early Childhood and Family Education Advisory Task Force, 722 Capitol Square Bldg., St. Paul, 55101; (612) 296-5072.

BOARD ON AGING has 1 vacancy open immediately for a member. The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging of approximately 15 million; makes grants to 13 area agencies on aging and non-profit agencies; serves as an advocate for older persons, programs and legislation for older persons in Minnesota. Members appointed by the Governor, include at least 1 member from each congressional district. Monthly meetings, Metro Square Bldg., St. Paul; members receive \$35 per diem plus expenses. For specific information, contact the Board on Aging, Suite 204, Metro Square Bldg., St. Paul 55101; (612) 296-2770.

COUNCIL FOR THE HANDICAPPED has 1 vacancy open for a public member from Region 11. The council advises the Governor, legislature, service providing agencies and the public on the needs and potentials of people with physical, mentally, or emotional disabilities. Members are appointed by the Governor and include one member from each development region. Bi-monthly meetings; members receive \$35 per diem plus expenses. For specific information, contact the Council for the Handicapped, Suite 208, Metro Square Bldg., St. Paul 55101; (612) 296-6785.

**Department of Public Safety
State Patrol Division****Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing
Vehicle Safety Equipment**

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend existing rules governing vehicle safety equipment, including lighting devices, brake fluids, and sirens.

The promulgation of these rules is authorized by various sections throughout Minnesota Statutes Chapter 169, which require the agency to promulgate specifications and standards for vehicle equipment.

The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Major Glen Gramse
State Patrol
107 Transportation Bldg.
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-8052 and in person at the above address.

All statements of information and comment shall be accepted until September 30, 1982. Any written material received by the State Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

**State of Minnesota
County of Scott
First Judicial District****Notice of Filing Fees for County Law Library**

Pursuant to laws of Minnesota 1982, Chapter 576, the Scott County Law Library Board of Trustees announces the Law Library fees to be collected in the District, County and Probate Courts of Scott County.

Civil Suits

Plaintiff/Petitioner	\$ 5.00
Defendants/Respondents/Intervenors (jointly or separately)	5.00
Probate Court—Petitioner	5.00

These fees shall be in effect from July 1, 1982 to June 30, 1983.

Dated: July 2, 1982

Anthony Worm
County Commissioners

Dated: June 29, 1982

Philip T. Kanning, Chairman,
Board of Trustees

OFFICIAL NOTICES

State of Minnesota County of Rice

Notice of Filing Fees for the County Law Library

Pursuant to Laws of Minnesota 1982, Chapter 576 the Rice County Law Library Board of Trustees announces the law library fees to be collected in the district, county, municipal, probate and conciliation courts of Rice County.

Civil Suits

Plaintiff/Petitioner	\$5.00
Defendants/Respondents/Intervenors (jointly or separately)	\$5.00
Probate Court	
Petitioner	\$5.00
Criminal Convictions	
Defendant	\$ -0-
Conciliation Court	
Petitioner	\$5.00
Respondent	\$5.00

These fees shall be in effect from July 1, 1982, to June 30, 1983.

James M. Crow
Secretary of Board of Trustees
Dan Minnick
County Commissioner

STATE OF MINNESOTA

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

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FOR LEGISLATIVE NEWS

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

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

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

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

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

Legislative Reference Library
Room 111 Capitol
Interoffice