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STATE OF MINNESOTA



VOLUME 8, NUMBER 3

July 18, 1983

Pages 73-96



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 8			
4	Monday July 11	Monday July 18	Monday July 25
5	Monday July 18	Monday July 25	Monday Aug 1
6	Monday July 25	Monday Aug 1	Monday Aug 8
7	Monday Aug 1	Monday Aug 8	Monday Aug 15

*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* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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The listings are arranged in the same order as the table of contents of the *MCAR 1982 Reprint*.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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 Importation of Cattle or Bison; The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets; and The Establishment and Operation of Public Stockyards

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 following the procedures set forth in Minnesota Statutes section 14.22 (1982).

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, section 14.22.

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 section 35.03 (1982). 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

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

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, DVM
Secretary and Executive Officer
Board of Animal Health

Rules as Proposed

3 MCAR § 2.001 Importation of cattle and bison.

A.-E. [Unchanged.]

F. Tests required.

1.-2. [Unchanged.]

~~3. Tuberculosis with the exception of the following, all cattle must be negative to an intradermal tuberculin test conducted by an accredited veterinarian within 60 days prior to movement into Minnesota:~~

~~a. Cattle from tuberculosis-free accredited herds.~~

~~b. Cattle under 6 months of age.~~

~~c. Cattle shipped directly to a public stockyards or markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.~~

~~d. Slaughter cattle going directly to a slaughtering establishment under federal inspection.~~

~~e. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.~~

~~f. Steers and spayed heifers.~~

~~g. Cattle entering to be tested within 72 hours after arrival provided a permit is secured from the board.~~

~~h. Cattle from accredited tuberculosis-free states that have a reciprocity agreement with Minnesota.~~

G.-H. [Unchnaged.]

I. Cattle under quarantine. Cattle imported without health certificate except where specifically exempted in this rule, or imported when not in compliance with this rule are under quarantine. Such cattle shall be examined and tested to meet the requirements of this rule by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis, ~~tuberculosis~~ or anaplasmosis shall be sent to slaughter on permit or returned to the herd of origin on a permit from the state of origin. Cattle with other infectious, contagious, or communicable disease shall be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

J. Permits.

~~1.~~ The following types of cattle may be imported with a health certificate for a stated purpose provided a permit is obtained from the board prior to movement:

~~a. Breeding cattle not tested for tuberculosis in the state of origin, to be tested on arrival in Minnesota.~~

~~b. 1. calves less than two months of age;~~

~~c. 2. cattle from nonbrucellosis free states;~~

~~d. 3. female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests; or~~

~~e. 4. cattle that have been sampled for anaplasmosis, the results of which are pending.~~

K.-M. [Unchanged.]

LSB 43 The establishment of state-federal approved markets for cattle and sale of cattle at ~~such~~ these markets.

(a) Definitions. The following words and terms shall be defined as follows where used in these rules and regulations:

(1)-(8) [Unchanged.]

(9) "Tuberculosis Reactor" shall mean any bovine animal that shows any reaction to the test for tuberculosis.

~~(10)~~ "Brucellosis reactor" ~~shall mean~~ means any nonvaccinated bovine animal showing complete agglutination in a 1:100 dilution or higher, or a vaccinated female bovine animal of dairy breed 20 months of age or over or any female bovine animal of beef breed 24 months of age and over, that is an official vaccinate as defined in ~~section (a)(8)~~ which shows complete agglutination in a 1:200 dilution or higher, or any bovine animal that is positive to the brucellosis card test.

~~(11)~~ (10) "Brucellosis suspect" ~~shall mean~~ means a nonvaccinated bovine animal showing any agglutination in the 1:50 dilution or higher which is not classed as a brucellosis reactor; or an officially vaccinated bovine animal over 20 months of age if of dairy breed, or over 24 months of age if beef breed that shows any agglutination in the 1:100 dilution or higher that is not classed as a brucellosis reactor.

~~(12)~~ (11) "Health certificate" ~~shall mean~~ means a certificate issued by a veterinarian, or an official form of the state of origin, certifying that the animals are free from visible signs of contagious, infectious, or communicable disease. Statements with reference to brucellosis status of area of origin, and name and address of consignee shall be included. Record of tests or vaccination and individual identification shall be recorded when required.

(b) [Unchanged.]

(c) Official veterinarian.

(1)-(4) [Unchanged.]

(5) Where required by the rules and regulations the official veterinarian shall test for ~~tuberculosis and/or~~ brucellosis. Such tests shall be conducted in accordance with accepted procedure.

(6)-(10) [Unchanged.]

(11) The veterinarian shall furnish the board duplicate copies of all quarantines of cattle issued by him at the market, and also the records of ~~tuberculin and~~ brucellosis tests of cattle conducted by him, and such other reports as the board may from time to time require, within 5 ~~five~~ days following the completion of each week's business.

(12) [Unchanged.]

(d) [Unchanged.]

(e) Consignment of Livestock.

(1)-(2) [Unchanged.]

(3) Cattle originating in other states may be consigned to the market when accompanied by a health certificate complying with the Minnesota importation requirements and certifying to origin in a modified certified brucellosis area, or a health certificate showing individual identification, certifying to origin in a modified certified brucellosis area, or a declaration signed by the owner showing address of origin, description and number of cattle in shipment, destination, and further stating cattle are not under quarantine because of disease.

(aa) When required, cattle shall be tested for ~~tuberculosis and/or~~ brucellosis to comply with Minnesota regulations.

(bb)-(cc) [Unchanged.]

(dd) Cattle entering market accompanied by health certificate with necessary tests for ~~tuberculosis and~~ brucellosis conducted within 30 days prior to date of importation and recorded thereon, and certifying to origin in modified certified brucellosis area, may be sold without further testing.

(4) [Unchanged.]

(f) [Unchanged.]

(g) ~~Tuberculosis-~~

(1) ~~Cattle originating in Minnesota are not required to be tested for tuberculosis prior to sale-~~

(2) ~~All cattle from other states shall pass a negative test for tuberculosis prior to release from the market premises, except~~

~~(aa) Steers-~~

~~(bb) Dairy calves under six months of age-~~

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PROPOSED RULES

~~(cc) Calves of beef breed under eight months of age.~~

~~(dd) Cattle from accredited tuberculosis-free herds.~~

~~(ee) Cattle accompanied by a health certificate showing a record of negative test for tuberculosis conducted within 60 days prior to date of sale.~~

~~(ff) Female cattle of beef breed under 18 months of age sold for feeding and grazing purpose under affidavit and quarantine.~~

~~(gg) Cattle for immediate slaughter identified with an official backtag.~~

~~(hh) Cattle sold to dry feed lot permit holders provided such cattle are branded with the letter "F" three inches high on the right jaw with a hot iron and provided a health certificate is issued listing the identification numbers.~~

~~(ii) Cattle from states having tuberculosis reciprocity agreements with Minnesota.~~

~~(h) Brucellosis.~~

(1) All dairy cattle over six ~~(6)~~ months of age and all beef cattle eight months of age and over shall pass a negative test for brucellosis prior to release from the market, except:

(aa) steers;

(bb) cattle from certified brucellosis-free herds;

(cc) cattle accompanied by a record of a brucellosis test signed by a veterinarian showing the cattle have been tested for brucellosis and found negative less than ~~thirty (30)~~ days before the date of sale while owned by the consignor;

(dd) official vaccinates of dairy breeds under ~~twenty (20)~~ months of age and beef breeds under ~~twenty-four (24)~~ months of age;

(ee) female cattle of beef type, under 18 months of age sold for feeding and grazing purposes under permit or affidavit and quarantine;

(ff) cattle for immediate slaughter, identified with an official backtag;

(gg) cattle sold to dry feed lot permit holders, provided such cattle are branded at the market with the letter "F" three inches high on the right jaw with a hot iron and provided a health certificate is issued listing the identification numbers.

~~(h)~~ (h) Brucellosis reactors and suspects.

(1)-(4) [Unchanged.]

~~(i)~~ (i) Quarantines. The following classes of cattle are subject to quarantine from the market:

(1) Female cattle of beef breed under 18 months of age, not tested for ~~tuberculosis or~~ brucellosis at the market and sold under affidavit for feeding and grazing purposes, are quarantined for the feeding period. Affidavit to bear notarized signature of purchaser.

(2) [Unchanged.]

(3) Nonvaccinates from other states entering market on owner's certificate and negative to tests for ~~tuberculosis and~~ brucellosis at the market, are quarantined for a brucellosis retest to be conducted in 30 to 120 days.

(4) [Unchanged.]

(5) Official vaccinates of dairy breeds under 20 months of age and official vaccinates of beef breeds under 24 months of age, entering the market on an owner's certificate, ~~and negative to the test for tuberculosis at the market,~~ are quarantined until tested for brucellosis with a reaction no higher than complete agglutination in a dilution of 1:50.

(6) Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of beef breed 24 months of age and over, entering the market on an owner's certificate, tested at the market and ~~found negative to the tuberculosis test and~~ which discloses a reaction to the brucellosis test no higher than complete agglutination in a dilution of 1:50 are quarantined for a retest for brucellosis to be conducted no sooner than 30 days nor more than 120 days.

~~(j)~~ (j) Markets approved to accept reactors. Approved state-federal markets qualified to accept reactors, suspects, and cattle from quarantined herds shall:

(1)-(3) [Unchanged.]

~~(k)~~ (k) Other species of livestock. Other livestock shall be handled in accordance with ~~Regulation~~ Regulation LSB-42; ~~(State Federal~~

Approved Markets for Swine) and/or Regulation LSB-41 (Sale of Livestock at Auction Markets, Consignment, Community and Other Sales).

No part of this regulation rule shall take precedence over any portion of Regulation LSB-1 entitled "Rules and Regulations for the Importation of Cattle."

3 MCAR § 2.044 The establishment and operation of public stockyards.

A. Definitions.

1. "Board" ~~shall mean~~ means the State of Minnesota Board of Animal Health or its authorized agents.
2. "Public stockyards" means an assembly point for livestock operated as a public market for livestock producers, feeders, market agencies, and buyers; having facilities and providing services for those individuals or organizations who have been granted the privileges of the market by the management of the stockyards.
3. "Shipper contract" ~~shall mean~~ means a record indicating:
 - a. consignor's name and address;
 - b. identification and description of the livestock consigned;
 - c. date and time received;
 - d. name of the trucker or transportation agency;
 - e. name of the individual or firm who will represent the seller; and
 - f. signature of the seller or his agent.
4. "Veterinary services contractor" ~~shall mean~~ means an accredited veterinarian or more than one veterinarian selected by the management and approved by the board to perform necessary services in connection with the rules of the board.

B.-D. [Unchanged.]

E. Removal of livestock.

1. No livestock shall be removed from the premises until released by the veterinary services contractor or his representative.

2. Cattle.

a. Cattle removed for purposes other than slaughter must be accompanied by a health certificate meeting Minnesota importation requirements if they originate from other states, or Minnesota sale requirements if they originate from Minnesota, or state of destination requirements if exported.

b. ~~These cattle shall be tested for tuberculosis except:~~

- ~~(1) Cattle originating in Minnesota.~~
- ~~(2) Cattle from states having a reciprocity agreement with Minnesota deleting test requirement.~~
- ~~(3) Female feeding cattle of beef type and breed under 18 months of age leaving the public stockyard on permit.~~
- ~~(4) Steers, spayed heifers, and cattle under 6 months of age.~~

e. ~~Brucellosis test requirements for these cattle.~~

(1) The requirements for transfer of ownership for cattle, ~~as embodied in 3 MCAR § 2.011 Eradication of Bovine and Bison Brucellosis,~~ shall apply to all cattle removed from the public stockyards to Minnesota destinations.

(2) The diagnosis of cattle which respond to the brucellosis test shall be in accordance with 3 MCAR § 2.011.

~~d. c.~~ Anaplasmosis test requirements for breeding cattle.

(1) Breeding cattle originating in states other than Minnesota shall be tested in accordance with 3 MCAR § 2.001.

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PROPOSED RULES

~~e- d.~~ Cows and bulls two years of age and over not offered for sale shall be backtagged or tested and found negative to brucellosis and if originating from other states negative to anaplasmosis and tuberculosis before removal from the stockyards.

3. Swine.

a. Swine sold for slaughter shall be identified to the herd of origin as required in 3 MCAR § 2.066 ~~Slaughter Cattle and Slaughter Swine Identification.~~

b. Swine removed for breeding or further feeding purposes must be accompanied by a health certificate indicating:

(1) eartag number;

(2) negative brucellosis buffered antigen (BBA) test for sows and boars six months of age and over; and

(3) any other requirements of a state of destination.

c. ~~Pseudorabies test requirements for breeding swine.~~

~~(4)~~ Breeding swine six months of age and over originating in states other than Minnesota shall be tested for pseudorabies in accordance with 3 MCAR § 2.005 before removal to any Minnesota destination.

d. All swine for breeding and further feeding removed from public stockyards to points in Minnesota shall be quarantined for 30 days.

4. Sheep, goats, horses, mules, and other species may be removed when a health certificate certifying compliance with the state of destination requirements have been met.

Minnesota Public Utilities Commission

Proposed Rules Governing Utility Delinquency Charges

Notice of and Order for Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 14.14, subd. 1, on Tuesday, September 13, 1983, in the Minnesota Public Utilities Commission (the Commission) Large Hearing Room, Seventh Floor, American Center Building, 150 E. Kellogg Blvd., St. Paul, Minnesota, commencing at 9:30 a.m. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 216A.05, 216B.03, and 216B.23.

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 hearing will be held before hearing examiner Richard DeLong, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Ave., Minneapolis, Minnesota 55415, telephone (612) 341-7604, 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 hearing will be conducted in accordance with the applicable laws relating to the commission, the Administrative Procedures Act (Minn. Stat. §§ 14.13-14.20), the Rules of the Office of Administrative Hearings (9 MCAR §§ 2.101-2.113), 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 commission, or may be purchased from the State Register and 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.

A copy of the proposed rules is attached to this notice and order.

Any interested person will be provided with one copy of the proposed rules without charge upon request to Randall D. Young, telephone number (612) 296-7526. Additional copies will be available at the hearings.

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. G,E 999/R-83-99) and to Hearing Examiner DeLong as soon as possible and preferably prior to September 9, 1983. 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
- 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 hearing will not prohibit any person from submitting written or oral statements on the record at the hearing.

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's 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 hearing should bring all factual information and evidence bearing on the case which they wish to have included in the record.

At the hearing, 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 hearing.

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 hearing to objections and questions presented at the hearing 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 hearing.

Written material may be submitted and recorded in the hearing record for five working days after the conclusion of the public hearing. 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 date the commission may not take any final action on the rules for a period of five working days. Any persons 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 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 Randall D. Young, 780 American Center Bldg., 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone (612) 296-7526. Any questions concerning the conduct of the hearing 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:

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) 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.

ORDER

1. A public hearing shall be held on September 13, 1983, in the Large Hearing Room, Seventh Floor American Center Building, 150 E. Kellogg Blvd., St. Paul, Minnesota, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

2. This notice and order shall be mailed to all persons who have registered their names with the commission for the purpose of receiving notice of rulemaking.

3. This notice and order shall be published in the *State Register*.

July 5, 1983

Randall D. Young
Executive Secretary

Rules as Proposed (all new material)

4 MCAR § 3.0317 Definitions.

A. Scope. The terms used in 4 MCAR §§ 3.0317-3.0322 have the meanings given them in this rule.

B. Delinquent account. "Delinquent account" means the portion of a customer's account representing charges for utility service or services past due. In the case of a residential customer on either a utility's budget billing plan or a payment schedule under 4 MCAR § 3.0299 G., "delinquent account" means the lesser of the outstanding account balance or the scheduled monthly payment.

C. Late payment charge. "Late payment charge" means the allowable charge a utility may impose upon a delinquent account.

D. Utility. "Utility" means a public utility as defined in Minnesota Statutes, section 216B.02.

4 MCAR § 3.0318 Billing terms.

A utility shall designate any late payment charge imposed on a customer as a late payment charge on that customer's bill. Other terms, including "penalties," "discounts," or "net-gross rate differentials," must not be used to indicate any charge which results from delinquent payment.

4 MCAR § 3.0319 Determination of delinquency.

A utility which chooses to impose a late payment charge on its customers shall use two measures for determining when a customer's bill is delinquent:

A. Residential customer. If a residential customer's utility bill is not paid by the next scheduled billing date, which must be not less than 25 days from the current billing date, a late payment charge may be imposed. The current billing date must be no more than three working days before the date of mailing of the bill by the utility.

B. Nonresidential customer. If a nonresidential customer's utility bill is not paid within a grace period of not less than 15 days from the current billing date, a late payment charge may be imposed. The current billing date must be no more than three working days before the date of mailing of the bill by the utility.

4 MCAR § 3.0320 Requirements for imposing late payment charge.

Before a utility may impose a late payment charge, the utility shall comply with the following requirements:

A. Tariffs. The utility shall file and have approved by the commission tariffs providing for the late payment charge and specifying the terms and conditions of the late payment charge.

B. Bill content. The utility shall clearly indicate upon each bill the terms and conditions of the late payment charge, including the date after which the late payment charge is applied, the amount of the late payment charge after the charge is actually applied, and the monthly percentage rate of the late payment charge.

C. Uniformity. The utility shall administer its late payment charge in a nondiscriminatory manner.

4 MCAR § 3.0321 Amount of late payment charge.

A late payment charge imposed by a utility must consist of the following two components:

A. Finance fee. The utility may impose a finance fee no greater than 1½ percent per month on the delinquent account.

B. Collection fee. The utility may impose a collection fee no greater than \$1.

4 MCAR § 3.0322 Crediting of payments.

The utility shall credit all payments received against the oldest outstanding account balance before the application of any late payment charge.

SUPREME COURT**Decisions Filed Friday, July 8, 1983****Compiled by Wayne Tschimperle, Clerk**

C7-83-415 State of Minnesota, Appellant, v. John Wallace Doyle. Olmsted County.

Where officer, in reckless disregard of the truth, omitted some material information and misrepresented other material information in his affidavit in support of search warrant application, trial court was justified in suppressing the evidence seized in the resulting search and in dismissing the prosecution.

Affirmed. Amdahl, C. J. Dissenting, Kelley, J., Todd, J., and Yetka, J.

C4-82-832 State of Minnesota v. Gary M. Nurmi, Appellant. Hennepin County.

Evidence of defendant's guilt of second-degree murder under the felony-murder rule was sufficient, and trial court did not prejudicially err in admitting photographs of the deceased victim or in refusing to submit the lesser-included offense of first-degree heat-of-passion manslaughter.

Affirmed. Kelley, J.

C5-82-1178 David A. VanLandschoot v. City of Mendota Heights, Dakota County, Minnesota, Appellant. Dakota County.

The action of a city council denying an application seeking to subdivide one lot in a subdivision into two lots and for variances to permit two residences to be built on the subdivided lot was not arbitrary, unreasonable or capricious.

Reversed. Kelley, J.

C8-82-1451 In Re Objections and Defenses to Real Property Taxes for the 1980 Assessment. Village Apartments, et al., petitioners, Appellants, v. State of Minnesota and County of Ramsey. Ramsey County.

Even though the plaintiffs have made a settlement with defendants and judgment has been entered thereon, plaintiffs may, after entry of the judgment, appeal from an order of the trial court refusing to certify the case as a class action.

In the absence of the existence of a dispute for adjudication between the purported members of a class and the defendants, the requirement of "commonality" is absent when the issues between the members in the purported class and the defendants are predominantly individual in nature.

Affirmed. Kelley, J.

CX-82-219, C8-82-221 In the Matter of the Arbitration Proceeding Between Arrowhead Public Service Union (John McBride and Gary Meier, grievants), Appellant, v. City of Duluth and Arrowhead Public Service Union, Appellant, v. City of Duluth. St. Louis County.

In proceedings to vacate an arbitration award on the ground that the arbitrator exceeded his powers, the court is not bound by the arbitrator's determination of arbitrability: the issue is to be resolved by an independent judicial determination.

The relinquishment by a public employer of the right to determine matters of inherent managerial policy, which a public employer is not required to negotiate, must be expressed in a labor contract in clear and unmistakable language.

SUPREME COURT

The applicability of lay-off procedures specifically provided in a public sector labor contract and, if applicable, whether or not there has been compliance with such procedures are matters within an arbitrator's power in the arbitration of a grievance on behalf of a public employee whose employment has been terminated.

Affirmed in part, reversed in part, and remanded with directions. Coyne, 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 and Economic Development Office of Tourism

Notice of Request for Proposals for a Motion Picture and Television Industries Development Program

The Department of Energy and Economic Development announces its intention to solicit proposals from non-profit corporations to design a program developing the motion picture and television industries in Minnesota.

The corporation will be required to design a marketing and promotional strategy for film and video production, develop a resource bank of information pertaining to locations and points of interest for film and video productions and products.

The estimated amount of the contract will not exceed \$60,000 and is to be spent over a one year time period.

Copies of the Request for Proposal can be obtained from:

Linda Koerner
Department of Energy and Economic Development
480 Cedar Street, Room 100
St. Paul, Minnesota 55101

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 Administration

Notice of State Surplus Property Sale

In compliance with Minn. Stat. § 94.09, *et seq*, the Commissioner of Administration offers for sale by sealed bids two parcels of real estate comprising the former fisheries headquarters in Grand Rapids, Minnesota. Tract "A" consists of a 2.75 acre site with 400 feet of frontage on Old Golf Course Road and is improved with a two story office building (44 × 80), a two story house converted to office use, and miscellaneous garages and shed. Appraised value and minimum bid is \$183,775. Tract "B" consists of approximately 19 acres of unimproved land with approximately 1030 feet of frontage along 3rd Avenue S.W. Appraised value and minimum bid is \$69,984.

The property will be made available for inspection by appointment only. Arrangements for showing may be made by contacting:

John Chell, Regional Admin.
1201 East Highway 2
Grand Rapids, MN 55744
Tele. (218) 327-1702

The bids will be opened and read aloud publicly at Room G-22 Administration Bldg., 50 Sherburne Avenue, St. Paul, MN on July 26, 1983 at 2:30 p.m.

Bidders shall be required to submit a cashier's check with their bids in an amount not less than 10% of the bid. The checks of unsuccessful bidders will be returned. The successful bidder will have the choice of making payment of the balance remaining after the down payment by one of the following two methods:

1. Payment in full of the balance no later than October 24, 1983, or
2. Payment of the remaining balance in lot less than equal annual installments for not to exceed 5 years, with principal and interest payable annually in advance at the rate of 8% 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.

For details and bid forms contact:

Real Estate Management Division
Department of Administration, G-22
50 Sherburne Avenue
St. Paul, Minnesota 55155
Tele: (612) 296-6674

Department of Administration Cable Communications Board

Notice of Availability of the Final Request for Applications for Designation of the Twin Cities Metropolitan Area Regional Cable Channel Entity

The Minnesota Cable Communications Board (MCCB) herein gives notice of availability of the final request for applications for designation as the entity for programming and facilitating use of the regional cable channel in the 7-county Twin Cities metropolitan area. A preliminary request was made available in April.

The board is making preparations for designation of the regional cable channel entity as provided in Minnesota Statutes § 238.05, subdivision 2 (c) and (d).

Procedures for MCCB activation of the regional cable channel, which will be on the standard VHF channel 6 on all Twin Cities metropolitan area cable communications systems, and for designation of the regional cable channel entity are set forth in 4 MCAR §§ 4.223-4.224 (Minnesota Code of Agency Rules).

A copy of the final request for regional channel entity designation application is available for public inspection during normal business hours in the MCCB offices at 500 Rice Street (at University Ave.) in St. Paul. A copy of the document may also be obtained through the mail by calling the board office at (612) 296-2545, or by writing to the Minnesota Cable Communications Board, 500 Rice Street, St. Paul, MN 55103.

The deadline for receipt of applications for entity designation is set for 3:30 p.m., January 3, 1984.

Department of Health

1984-85 Special Grants Available to Local Boards of Health for Health Services to Native Americans

Amount, Purpose and Eligibility

The Commissioner of Health is pleased to announce the availability of \$344,000 of state funds to be awarded by the Minnesota Department of Health through extension of existing special grants or new grants to establish, operate, or subsidize clinic

OFFICIAL NOTICES

facilities and services to furnish health services for Native Americans who have no established county of residence. These grants are available to boards of health whose Community Health Services Plans contain a proposal for the delivery of services and documentation of input to the Plans by the affected segments of the community.

Effect of Grant Rule

These grants are subject to provisions of Minnesota Department of Health Rules, 7 MCAR §§ 1.451-1.455.

How to Apply for Funds

Letters of Intent to apply for new special grants must be submitted to the Commissioner of Health by August 1, 1983.

Application for funds to extend previously approved grants must include a revised budget and program descriptions if necessary which indicate proposed use of additional funds. Applications for new grants must be completed as required by the Department of Health Rules, 7 MCAR § 1.452. Application materials are available upon request from the Commissioner of Health.

Five copies of complete applications must be submitted to the Minnesota Department of Health District Office by August 15, 1983; letters of intent should be submitted prior to that date. Copies of the application shall also be submitted to the Regional Development Commission and to the Health Systems Agency as required by Department of Health Rule, 7 MCAR § 1.453. Applications will be considered for approval of funding in accordance with provisions of Department of Health Rules, 7 MCAR § 1.452. The Commissioner will act on these applications within 60 days of receipt.

Duration of Funding

Funds for these purposes are available through June 30, 1985 and applications for two year funding will be accepted.

Department of Health

1984-85 Special Grants Available for Health Services for Migrant Agricultural Workers

Amount, Purpose and Eligibility

The Commissioner of Health is pleased to announce the availability of \$202,300 of state funds to be awarded by the Minnesota Department of Health through extension of existing special grants or new grants to establish, operate, or subsidize clinic facilities and services, including mobile health clinics, to furnish health services for migrant agricultural workers and their families in areas of the State in which significant numbers of migrant workers are located. These grants are available to cities, counties, groups of cities or counties, or nonprofit corporations.

Effect of Grant Rule

These grants are subject to provisions of Minnesota Department of Health Rules 7 MCAR §§ 1.451-1.455.

How to Apply for Funds

Letters of Intent to apply for new special grants must be submitted to the Commissioner of Health by August 1, 1983.

Applications for new grants must be completed as provided by Department of Health Rule, 7 MCAR § 1.452. Application materials are available upon request from the Commissioner of Health.

Five copies of the completed applications must be submitted to the Minnesota Department of Health District Office by August 15, 1983; letters of intent should be submitted prior to that date. Copies of the application shall also be submitted to the Regional Development Commission and to the Health Systems Agency as required by Department of Health Rule 7 MCAR § 1.453. Applications will be considered for approval of funding in accordance with provisions of Department of Health Rules, 7 MCAR § 1.452. The Commissioner will act on these applications within sixty days of receipt.

Duration of Funding

Funds for grants for these purposes are available through June 30, 1985; applications for two year funding will be accepted.

Minnesota Housing Finance Agency Home Improvement Division

Notice of Availability of Below-market Rate Loans for Construction of Accessory Apartments

The Minnesota Housing Finance Agency announces the availability of below-market rate loans for the construction of accessory apartments. An accessory apartment is defined as an independent living unit which has self-contained living, kitchen

and bathroom facilities and which is located within a structure which was originally a single-family residence. Loans through the demonstration program will be available only to residents of communities in which the city or the local housing and redevelopment authority has signed a contract with the MHFA to administer this program.

The purposes of this demonstration program are: (1) to increase the state's supply of moderate cost rental units and (2) to help low and moderate income homeowners meet their escalating housing costs or special family housing needs by adding an independent dwelling unit to a single-family home.

Up to \$1 million has been allocated to this demonstration program which will begin September 15, 1983 and continue until late 1984. Individual loans may be up to \$15,000 at an interest rate of 3% to 11% based on the homeowner's family income.

Applications for this demonstration program may be submitted after July 15 by local units of government, housing and redevelopment authorities or community action agencies which currently administer MHFA housing programs.

Further information and application forms may be obtained from: Mary Louise Poquette, Minnesota Housing Finance Agency, Home Improvement Division, 333 Sibley Street, St. Paul, MN 55101. (612) 297-2070.

Department of Natural Resources

Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Todd 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 Room 1, Courthouse Annex Basement, Long Prairie, MN, on August 9, 1983, 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 Robert Mostad, Route 2, Osakis, MN, Department of Natural Resources representative Merlyn Wesloh, 2115 Birchmont Beach Road, Bemidji, MN, and County Soil and Water Conservation District representative Alfred Hognlund, Long Prairie, MN.

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. § 105.37, subs. 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>From Township</u>	<u>Range</u>	<u>Section</u>	<u>To Township</u>	<u>Range</u>
Long Prairie River	19	129(Leslie)	35	24	133(Villard)	32
Dismal Creek	28	130(Burleene)	35	17	129(Leslie)	35
Unnamed Tributary	17	128(Little Sauk)	34	32(Basin 164)	128(Little Sauk)	34
Silver Creek	28(Hwy. 91)	127(West Union)	35	25	127(West Union)	35
Swan River	7(Basin 23)	128(Burnhamville)	32	1	128(Burnhamville)	32
Fish Trap Creek	25	132(Fawn Lake)	32	23(C.D. 41)	132(Fawn Lake)	32
	9	132(Fawn Lake)	32	34	133(Villard)	32
Todd County Ditch 4 (a.k.a. Freemans Creek)	7	130(Iona)	34	5	129(Reynolds)	34

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

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
77-116: Meyers Lake	3, 10	129(Long Prairie)	33
77-191: Slawson Lake	10, 11	128(Gordon)	35
77-193: Stallcop Lake	15, 16	128(Gordon)	35

B. WETLANDS

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
77-45 : Wintergreen Lake	4	130(Little Elk)	32
77-65 : Unnamed	28, 29	131(Turtle Creek)	32
77-92 : Unnamed	6, 7	127(Birchdale)	33

OFFICIAL NOTICES

77-124:	Kuritzza Slough	20, 21, 28, 29	130(Hartford)	33
77-125:	Gadzukes Slough	28, 29	130(Hartford)	33
77-158:	North Twin Lake	25	127(Kandota)	34
77-175:	Shady Grove Marsh	35	129(Reynolds)	34
77-198:	Unnamed	12	129(Leslie)	35
77-205:	Powers Lake	22, 23, 26, 27	130(Burleene)	35
*77-221:	Unnamed	21, 28	127(Grey Eagle)	32
77-264:	Unnamed	25	127(Kandota)	34
77-290:	Watership Downs	15	131(Turtle Creek)	32
77-292:	Unnamed	1	131(Turtle Creek)	32
77-293:	Unnamed	1	131(Turtle Creek)	32
77-303:	Unnamed	1, 2	129(Long Prairie)	33
77-304:	Unnamed	14, 23	131(Ward)	33
77-306:	Unnamed	1, 2	131 Ward)	33
77-318:	Unnamed	2, 11	128(Little Sauk)	34
77-325:	Unnamed	9, 16	128(Gordon)	35
77-337:	Unnamed	18; 13	127(Grey Eagle; Birchdale)	32; 33

* late petition.

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. §§ 14.63 to 14.69 (1982).

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: 612/296-0516.

July 8, 1983

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Transportation and Public Utilities Commission Proposed Amendment of Rules Governing Operations of Motor Carriers and Motor Carrier Tariff, Accounting and Insurance Rules

Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota Department of Transportation and the Minnesota Public Utilities Commission are seeking information or opinions from sources outside of the department and commission in preparing to amend rules governing the operation of motor carriers including their facilities, accounts, service, safety devices, insurance, recordkeeping, form and

manner of filing rates and tariffs and the transportation of hazardous materials by any person. The adoption of amendment of these rules is authorized by Minnesota Statutes §§ 221.031, subd. 1; 221.161, subds. 1 and 2; 221.296, subd. 2; which require the department to adopt the rules described above and by the following sections which authorize the Commission to adopt rules: section 221.031, subd. 1, related to rates or tariffs or the granting, limiting or modifying of certificates of convenience and necessity and permits; section 221.061 related to petitions of certificates; 221.151, subd. 1 and 221.296, subd. 8 related to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier or local cartage carrier; sections 221.041, and 221.161, related to rates, charges and practices; section 221.296, subd. 2 related to rates, tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity and sections 221.051, and 221.251. The rules now in effect were originally adopted by the Minnesota Public Service Commission and are cited as PSC 1 through 7 and PSC 40 through 48.

A Notice of Intent to Solicit Outside Opinion in this matter was published at 7 *State Register*, page 1131, on January 31, 1983 by the Department of Transportation. This notice is being published to initiate a joint rulemaking proceeding by the Minnesota Department of Transportation and the Minnesota Public Utilities Commission. Joint rulemaking will facilitate amendment of the PSC rules which were originally adopted and enforced by one agency, but which now may be enforced by both the department and the commission. In order to fully comply with the requirement that agencies amend only those rules which they have been granted authority to amend, this joint proceeding is begun. The current rules embody the duties and functions of both the department and commission in one set of rules. The duties and functions of the agencies and the obligations of motor carriers cannot be separated, defined, amended or repealed in a comprehensive fashion without the participation of both agencies.

When the Transportation Regulation Board is appointed and established, the functions of the Public Utilities Commission will be transferred to and continued by that board.

Laws 1983, chapter 371, section 43 provides:

Duties, functions, and powers granted to the transportation regulation board under Laws 1980, Chapter 534, as amended by Laws 1981, Chapter 357, Section 108, and this act are assumed by and remain with the public utilities commission until the board is established and appointed by the governor under Laws 1980, Chapter 534, Section 1.

Therefore, the Minnesota Department of Transportation and the Minnesota Public Utilities Commission request 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:

Betsy Parker
Motor Carrier Safety and Compliance Office
Minnesota Department of Transportation
404 Transportation Building
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 612/296-7108 and in person at the above address. All comments and statements will be considered by both the department and the commission.

All statements of information and comment will be accepted until August 30, 1983. Any written material received by the Department of Transportation and the Public Utilities Commission will become part of the record in the event that rules are amended or adopted.

Dated this 11th day of July, 1983.

Richard P. Braun
Commissioner of Transportation
Randall D. Young
Executive Secretary,
Public Utilities Commission

Olmsted County Court

Notice of Change of Law Library Fee

Pursuant to Minn. Stat. § 140.422, the law library fee was changed from \$5.00 to \$10.00 in all cases except Conciliation Court cases, where it remains at \$5.00.

This change is effective in Olmsted County as of July 1, 1983.

OFFICIAL NOTICES

Department of Public Welfare Support Services Bureau

Notice of Rescheduling of the First Meeting of the Interagency Board for Quality Assurance

Notice is hereby given that the first meeting of the Interagency Board for Quality Assurance has been rescheduled. The meeting will now be held Tuesday, July 26, 1983 from 9:00 a.m. to 11:00 a.m. in Conference Room D, 4th Floor of the Centennial Office Building, 658 Cedar, St. Paul, Minnesota.

The Interagency Board for Quality Assurance deals with nursing home care and was instituted by Chapter 199 of the 1983 legislative session.

If you wish further information about this meeting, contact:

Linda Donahue
Bureau of Support Services
Department of Public Welfare
658 Cedar, 4th Floor
St. Paul, MN 55155
612/296-6633

Rice County

Notice of Filing Fees for the County Law Library

Pursuant to Laws of Minnesota 1983, 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	\$6.00
Defendants/Respondents/Intervenors (jointly or separately)	\$6.00
Probate Court	
Petitioner	\$6.00
Criminal Convictions	
Defendant	\$ -0-
Conciliation Court	
Petitioner	\$6.00
Respondent	\$6.00

These fees shall be in effect from July 1, 1983, to June 30, 1985.

James M. Crow
Secretary of Board of Trustees
Lawrence J. Valek, Chairman
County Commissioners

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 9, 1983.

ADVISORY COMMITTEE ON TECHNOLOGY IN EDUCATION has 15 vacancies open immediately and shall include the following: public school teachers and administrators, school boards, parents, Department of Education, Minnesota Educational Computing Consortium, at least one regional management information center, Council on Quality Education, higher education

and at least 2 members from high technology business and industry. Members shall be knowledgeable about the use of technology in elementary and secondary education. Members are appointed by the Governor. The advisory committee shall encourage school districts to develop and adopt as part of its education policy a written technology utilization plan. The advisory committee will terminate on June 30, 1985. For specific information contact the Advisory Committee on Technology in Education, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

MINNESOTA ACADEMIC EXCELLENCE FOUNDATION has 15 vacancies open immediately for 6 members representing various education groups and 9 members representing various business groups. Members are appointed by the Governor. The foundation shall promote academic excellence in Minnesota public schools through a public-private partnership (a nonprofit organization). For specific information contact the Minnesota Academic Excellence Foundation, Roberta Schneider, 122 Capitol, St. Paul 55155; (612) 296-1792.

COURT STUDY COMMISSION has vacancies open immediately for 3 public members who are appointed by the Governor. The commission shall study the state court system to determine the desirability of unifying the current county, municipal, and district courts into a single trial court. Members receive expenses. For specific information contact Court Study Commission, Sue Dosal, 40 North Milton, Suite 300, St. Paul 55105; (612) 296-2474.

MINNESOTA MARKET ASSISTANCE PROGRAM COMMITTEE FOR LIQUOR LIABILITY has 6 vacancies open immediately. Desired qualifications include at least 1 member from each of the following: surplus line agent, insurance company representative, liquor licensee, and an insurance agent. The committee shall assist liquor licensees to obtain dram shop liability coverage. Members are appointed by the Commissioner of Commerce and receive no compensation or per diem. Meetings at the call of the Commissioner of Commerce. For specific information contact the Minnesota Market Assistance Program Committee for Liquor Liability, Bill Kyle, 500 Metro Square Bldg., St. Paul 55101; (612) 296-6944.

ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY has 10 vacancies open immediately for members. The authority may implement loan programs that assists and encourages the establishment, maintenance and growth of small businesses in Minnesota, assist in the financing and development of alternative sources of energy and energy conservation, assist in the financing of improvements to public buildings for the purpose of energy conservation or the use of alternative energy resources. Members appointed by the Governor and receive \$35.00 per diem. For specific information contact the Energy and Economic Development Authority, Connie J. Lewis, Dept. of Energy and Economic Development, 980 American Center, 150 East Kellogg Blvd., St. Paul 55101; (612) 296-6424.

SOLID WASTE MANAGEMENT ADVISORY COUNCIL has 1 vacancy open immediately for a representative from private solid waste management firms. Experience is desirable but not required in the following areas: solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The council makes recommendations to the Waste Management Board on its solid waste management activities. Members are appointed for two-year renewable terms by the Chairman of the Waste Management Board. The current appointment term expires 6/30/84. Meetings are twice monthly in the metropolitan area; members are compensated for expenses. For specific information, contact Robert Dunn, Chairman, Waste Management Board, 7323 58th Avenue North, Crystal, MN 54428; (612) 536-0816. The outstate telephone number is 1-800-652-9747.

Department of Transportation

Petition of the City of Eveleth for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the City Council of the City of Eveleth made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for the reconstruction of Fayal Avenue from North Court to Park Avenue.

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 20 miles per hour instead of a required design speed of 30 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 6th day of July, 1983

Richard P. Braun
Commissioner of Transportation

OFFICIAL NOTICES

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

Notice is hereby given that the County Board of Carlton County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a resurfacing project on CSAH 1 from CSAH 51 to CSAH 3, and CSAH 2 from CSAH 1 to the 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 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 6th day of July, 1983

Richard P. Braun
Commissioner of Transportation

Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of St. Paul made a written request to the Commissioner of Transportation for a variance from minimum design standards for street width for MSAS 109 (Arlington Avenue) from Victoria Street to Dale Street.

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 minimum street width of 36 feet with parking on both sides instead of 46 feet with parking on both sides.

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 6th day of July, 1983

Richard P. Braun
Commissioner of Transportation

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