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STATE OF
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Register

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Condominiums on Summit Avenue, St. Paul

High Security Correctional Facility in Washington County

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List of MCAR Rules Affected*

List of rules within the Minnesota Code of Agency Rules affected by documents published in the State Register during the current quarter beginning with Vol. 1, No. 40:

Department of Agriculture
 Agr 165, 169 1477

Public Service Commission
 PSC 3 1477

*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MCAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MCAR.

EXECUTIVE ORDERS

Executive Order No. 144

Creating the Governor's Appointments Commission

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order.

WHEREAS, representation of Minnesota citizens on various state boards and commissions has historically been limited to a small segment of the state's population; and

WHEREAS, strong commitments to openness in government and affirmative action have been made by the government of the United States and of Minnesota; and

WHEREAS, federal and state programs have not resulted in adequate representation of women, minorities, and rural citizens in state government; and

WHEREAS, a coordinated effort is needed to increase participation in government, particularly by the above-named groups, and thereby improve the quality of government; and

WHEREAS, the effective and just administration of government in Minnesota depends on the participation of those able and committed citizens who are most affected by decisions made:

NOW, THEREFORE, I order:

1. The establishment of a Governor's Appointments Commission, made up of appropriate representatives from each congressional district of the state, to address this problem.
2. Assessment by the Commission of the current status of representation on boards and commissions for which I have the appointing authority.
3. Dissemination of information regarding openings on state boards and commissions to the public, with special encouragement to apply given to women, minorities, and rural citizens.
4. Consideration of all applicants for such openings, including incumbents, and recommendations to me of the most qualified persons.
5. The development by the Commission of a Talent Bank, to be catalogued for reference, comprised of knowledgeable, interested, and able citizens.
6. Recommendations to me of other approaches to remedy the above problem.
7. The above procedure will apply to all top-level, full-time salaried positions in my administration, except members of my office staff; and to all boards, commissions, and agencies with substantial rule-making powers, governed by the State Ethical Practices Board.
8. This Commission shall be chaired by Gloria Griffin, Excelsior, and shall include the members on the attached list, plus others with technical expertise to assist in an advisory capacity if the need arises.

EXECUTIVE ORDERS

This order shall be retroactively effective as of February 1, 1977, and shall remain in effect until January 30, 1978, or until superseding legislation is passed, whichever is the earlier.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 29th day of March, 1977.



COMMISSION ON APPOINTMENTS

FIRST DISTRICT	Neil Sherburne 1443 Old Tollbridge Rd. N. Lakeland, MN 55043	612-436-7793(h) 227-7647(o)
SECOND DISTRICT	Kingsley Murphy 2265 North Shore Drive Wayzata, MN 55391	377-6860
THIRD DISTRICT	Tom Tipton 3921 Sunset Boulevard Minneapolis, MN 55416	338-5386(o) 926-3610(h)
FOURTH DISTRICT	Ann Ober 324 Woodlawn St. Paul, MN 55105	690-3535
FIFTH DISTRICT	Virginia Richardson 4044 Oakland Avenue South Minneapolis, MN 55407	822-3464
SIXTH DISTRICT	José Valdez 20 Seventh Avenue SE St. Cloud, MN 56301	612-253-0246(h) 612-253-7010(o)
SEVENTH DISTRICT	Nina Rutledge Route 2, Box 1 Lowry, MN 56349	612-283-5271(h)
EIGHTH DISTRICT	Elaine Voss 11120 NE Seventh Street Blaine, MN 55434	757-3359(h)

RULES

Housing Finance Agency American Indian Housing

These rules are printed here in their adopted form without indications of changes from their proposed form. Readers are directed to consult State Register, Volume 1, Number 21, page 855 for the proposed form of the rules.

Chapter Eight

MHFA 90 Scope. Rules 90 to 108 hereof, together with the Loan Agreement (hereinafter the "Agreement"), govern the housing programs for American Indians of low and moderate income as authorized by Laws of 1976, ch. 254 (hereinafter the "Act"), and the disposition of the appropriation made pursuant to § 16 of said Act, which housing programs are to be developed and administered separately or in combination by the Minnesota Chippewa Tribe, which for purposes of these Rules shall include any corporation established by the Minnesota Chippewa Tribe to carry out the housing program provided for herein and by the Act, (hereinafter collectively the "Tribe"), the Red Lake Band of Chippewa Indians, which for purposes of these Rules shall include any corporation established by the Red Lake Band of Chippewa Indians to carry out the housing program provided for herein and by the Act, (hereinafter collectively the "Band") and the Sioux Communities, which for purposes of these Rules shall include any corporation established by the Sioux Communities to carry out the housing program provided for herein and by the Act, (hereinafter collectively the "Communities").

MHFA 91 Development of plan. In developing each such housing program, the Tribe, Band, and Communities shall take into account the housing needs of all American Indians residing both on and off reservations within the state. A plan (hereinafter the "Plan") for each such program, which is in accordance with these Rules and which specifically describes the program (a) content, (b) utilization of funds, (c) administration, and (d) operation and implementation, shall be submitted to the Minnesota Housing Finance Agency (hereinafter "MHFA") for its review and approval prior to the making of eligible loans.

MHFA 92 Qualifications for housing. Except as otherwise provided herein and by MHFA 4, each recipient of a loan pursuant to the Act, Plan and these Rules and each person or family initially occupying a dwelling unit financed pursuant thereto shall be an American Indian as defined by Minn. Stat. § 254A.02, subd. 11, or an American Indian family as hereinafter defined, and of low and moderate income as defined by MHFA 2(o), provided that developers of multifamily housing developments need not be American Indians or of low and moderate income, and further provided that the Tribe, Band and Communities may qualify as eligi-

ble borrowers, if the funds advanced are used to construct eligible housing for resale or rental to eligible recipients and the funds advanced are returned to the revolving loan fund under the jurisdiction of the Tribe, Band or Communities when permanent financing is obtained. An American Indian family for purposes of these Rules is a family which at the time the loan is granted has at least one resident mortgagor who is an American Indian as defined by Minn. Stat. § 254A.02, subd. 11.

MHFA 93 Adjusted income. Adjusted income shall be computed in accordance with MHFA 2(n). To calculate adjusted income for purposes of this Rule, the applicant's gross annual income for the two years immediately prior to the date of application for the loan, adjusted in accordance with MHFA 2(n), shall be added to the applicant's projected gross annual income for the year next following the date of application, also adjusted in accordance with MHFA 2(n), and the total thus obtained shall be divided by three.

MHFA 94. Refinancing existing loans. No loan shall be approved or disbursed for the purpose of refinancing an existing loan. The Plan may set funding priorities for the types of housing loans to be made based upon housing need considerations.

MHFA 95 Limit on sale price or appraisal value. Each plan submitted to MHFA for approval shall provide for a maximum limitation on the sale price or appraised value, whichever is greater, of a structure or structures designed primarily for residential use by not more than four families, or a dwelling in a planned unit development or a condominium. No loan for rehabilitation of any property shall be made in an amount which, when added to all other existing indebtedness secured by the property, would exceed its market value as determined by a qualified appraiser.

MHFA 96 Duration of loan. No loan shall be made for a term in excess of thirty (30) years on a structure or structures designed for occupancy by not more than four families, or a dwelling unit in a planned unit development or a condominium. The maximum term of a rehabilitation loan for an existing structure or structures designed for occupancy by not more than four families or a dwelling unit in a planned unit development or a condominium shall not exceed twelve (12) years. For all other residential structures, the maximum term of any loan including a rehabilitation loan, granted pursuant to the Act, Plan and these Rules shall not exceed forty (40) years.

MHFA 97 Security for loans. Each plan submitted to MHFA for approval shall specify the means by which loans made pursuant to the Plan and these Rules are to be secured.

MHFA 98 Rate of interest. The rate of interest charged by the Tribe, Band or Communities on housing loans made pursuant to the Act, the Plan and these Rules, shall be not

RULES

less than 2% and not more than the highest rate of interest authorized by applicable usury and lending laws. The prime consideration in establishing rates of interest for eligible loans shall be to make the Plan self-supporting by generating sufficient interest income to offset the expenses incurred in the development and operation of the Plan, with the exception of the first year's expenses which shall be funded from the appropriation provided in the Act upon MHFA's approval of a detailed budget for that first year.

MHFA 99 Remunerating MHFA. The Agreement shall provide the circumstances under which MHFA shall provide assistance to the Tribe, Band or Communities and the amount of remuneration to be received by MHFA from the Tribe, Band and Communities for its assistance and monitoring.

MHFA 100 Revolving housing fund. The Tribe, Band and Communities shall repay to MHFA, without interest, all funds advanced to it pursuant to the Agreement to the extent and in the manner provided in the Agreement.

MHFA 101 Credit rating. Each Plan submitted to MHFA for approval shall contain adequate means for determining that the eligible borrower is an acceptable credit risk.

MHFA 102 Audit by legislative auditor. All of the official books and records of the Tribe, Band, and Communities relating to the housing program shall be subject to audit by the Legislative Auditor in the manner prescribed for agencies of state government as required by the Act.

MHFA 103 Final decision on loans. Each final decision on applications for loans to eligible borrowers made by the Tribe, Band or Communities from the moneys appropriated by Section 16 of the Act, or from the revolving loan fund under the jurisdiction of the Tribe, Band, or Communities, shall be made by a representative body of the Tribe, Band, or Communities.

MHFA 104 Duties of originator. The Tribe, Band and Communities shall each provide information on their respective Plans to eligible borrowers, receive and process loan applications, provide MHFA with a summary of the applications to be funded on a form provided by MHFA and established lending procedures which comply, to the extent applicable, to the Real Estate Settlement Procedures Act, Truth-in-Lending legislation, and applicable usury and other lending laws. The Tribe, Band and Communities shall service or cause to be serviced all loans made by them to eligible borrowers. The provisions regarding servicing shall be detailed in the respective Plans and shall outline all serv-

icing responsibilities including, but not limited to, composition and retention of loan files, escrow accounts, reporting systems, handling of delinquencies, and default and foreclosure policies and procedures. To the extent that the Tribe, Band or Communities enter into housing programs with the Department of Housing and Urban Development (hereinafter "HUD") the Tribe, Band or Communities shall be relieved of the applicable obligations imposed by this Rule if such obligations are assumed by HUD or otherwise discharged in a manner acceptable to MHFA.

MHFA 105 Building code. All authorized construction funded by an eligible loan and accomplished pursuant to an approved Plan shall conform to the uniform building code of the State of Minnesota and all applicable federal regulations, rules or codes. Each plan submitted to MHFA for approval shall contain a means of inspection to insure that any such authorized construction conforms to the applicable building code.

MHFA 106 On and off reservation. Each Plan shall provide for a reasonable balance in the distribution of funds between American Indians residing on and off reservations within the state, as shown by evidence contained in the Plan concerning on and off reservation population, percentage of low and moderate income American Indians, delivery capabilities and similar circumstances. The Plan may provide that at the option of the Tribe, Band or Communities, the origination and servicing of loans to eligible recipients residing off the reservation may, by separate agreement, be performed by a party or parties selected by the Tribe, Band or Communities.

MHFA 107 Fees and charges. The fees and charges to be paid by an eligible borrower in connection with the making of an eligible loan shall be determined by the Tribe, Band and Communities and specified in the Plan; provided, that if MHFA or its agent originate and service or cause to be serviced eligible loans for qualified borrowers residing off reservations pursuant to Rule 106, above, MHFA shall determine as to those loans, the reasonable fees and charges to be paid to MHFA and/or its agent, in an amount not to exceed the amount authorized by law.

MHFA 108 Rights of MHFA. MHFA shall have the right to inspect, copy or abstract, at reasonable times and upon ten days notice, all books, records, papers, or any other documents relating to the Plan, or loans made pursuant thereto, or any funds held in a revolving loan fund under the jurisdiction of the Tribe, Band or Communities for the purpose of making eligible loans.

James F. Dlugosch
Executive Director

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

**Department of Natural
Resources
Lower St. Croix Water Surface Use**

Chapter Twenty-Two: NR 2220

NR 2220

A. Policy and authority. These rules are authorized by Minn. Stat. § 361.26, subd. 2, and are promulgated in order to promote the full use by all of the people, now and in the future, of the water surface of the Lower St. Croix River in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a National Scenic Riverway.

B. Scope. These rules apply to the waters of the Lower St. Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

C. Definitions. For the purpose of these rules the word "shall" is mandatory, not permissive, and certain words or terms shall be interpreted as follows:

1. "Mile" means distance in miles above the confluence of the St. Croix River with the Mississippi River.

2. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

3. "Slow Speed" means operation of a motorboat at a leisurely speed, less than planing speed, whereby the wake or wash created by the motorboat is minimal.

4. "Watercraft" means any contrivance used or designed for navigation on water other than

(a) duck boat during the duck hunting season,

(b) rice boat during the harvest season, or

(c) seaplane.

D. Slow speed zones.

1. No motorboat shall at any time be operated in excess of a slow speed in the following areas:

(a) From the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

(b) Between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the eastbound span of the U.S. Interstate Highway #94 Bridge located at approximately mile 16.1.

(c) Between the Coast Guard navigational buoys designating the Kinnickinnic River Delta Narrows from approximately mile 6.6 to approximately mile 6.0.

(d) At the Prescott Narrows from the north side of U.S. Highway #10 Bridge located approximately at mile 0.3 to the confluence of the St. Croix River with the Mississippi River.

(e) Within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the St. Croix River with the Mississippi River.

2. Any motorboat designated for law enforcement shall be exempt from provision D.1. of this regulation in circumstances involving emergencies or violation of law.

E. Water skiing.

1. No watercraft towing a person on water skis, aquaplane, or similar device shall be operated between sunset and sunrise on the St. Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

2. No watercraft towing a person on water skis, aquaplane, or similar device shall be operated at any time in any zone designated a "slow speed zone" under provision D.1. of this regulation; provided, however, that any watercraft launching or landing a person on water skis, aquaplane, or similar device by the most direct route to open water shall be exempt from provision D.1. (e) of this regulation.

3. From Memorial Day through Labor Day, inclusive, no watercraft towing a person on water skis, aquaplane, or similar device shall operate after 12:00 Noon on Saturdays, Sundays, and legal holidays, from the sandbars located approximately at mile 31.0 to the upper end of the federal nine-foot navigation channel approximately at mile 24.5.

F. Penalties. Any person violating any of the provisions of this regulation shall be guilty of a misdemeanor.

G. Effective date. Beginning on Saturday, May 14, 1977, this rule is in effect whenever similar laws or regulations of the State of Wisconsin are in effect for the same reach of the St. Croix River.

PROPOSED RULES

Department of Natural Resources

The Proposed Adoption of Rules for Captive Wildlife Exhibits

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room 300 at the Hearing Examiner's Office, 1745 University Avenue, Saint Paul, Minnesota on Monday, May 23, 1977, commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard. The hearing will be conducted as provided by Minn. Stat. §§ 15.0411 through 15.051 and § 15.052 and as provided by the rules for rule-making of the Office of Hearing Examiners.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to:

Howard Kaibel
1745 University Avenue
Saint Paul, Minnesota 55105
Telephone: (612)-296-8107

either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, will establish standards for the care and treatment of living wild mammals, birds, reptiles and amphibians held captive for public exhibition in connection with any commercial enterprise, excluding publicly owned displays, exhibits, and zoos, privately owned zoos and circuses and pet shops. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Natural Resources, Division of Fish & Wildlife, Centennial Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 97.611 (1976). A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

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

David B. Vesall, Director
Division of Fish & Wildlife

Rules as Proposed

NR 400 Wildlife exhibits.

A. Purpose. The purpose of these rules and regulations is to establish reasonable standards for the care and treatment of captive wildlife for public exhibition purposes, and a permit system for such display, pursuant to the legislative mandate contained in Minn. Stat., § 97.611.

B. Jurisdiction. These rules and regulations shall apply to the care and treatment of all living captive wildlife for public exhibition in connection with any commercial enterprise, excluding displays owned by any municipality, county, or the State of Minnesota, any publicly owned zoo or wildlife exhibit, any privately owned traveling zoo or circus, or any pet shop.

C. Severability. The provisions of these rules and regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

D. Definitions. For the purpose of these rules and regulations, the terms defined in this section have the meaning given them below:

1. "Wildlife" means any wild mammal, wild bird, reptile, or amphibian.
2. "Captive" means all forms of human control including but not limited to confinement within physical

PROPOSED RULES

barriers, limitation of movement through the use of any manner of attachment physically affixed to any wildlife, or limitation of movement of wildlife by restraining in some manner the parent or offspring.

3. "Public exhibition in connection with any commercial enterprise" means any exhibition or display from which monetary gain is procured either directly or indirectly, including but not limited to any display or exhibition, the viewing of which is offered for a fee to the public, any display or exhibition which tends to attract customers to any business operated by the owner of such display or exhibition, or any business operated by a client or relative of the owner of such display or exhibition, or any live display used for advertising purposes.

4. "Pet shop" means any commercial business venture, including a game farm, where animals are displayed only for the purpose of the sale of the animals so displayed.

5. "Traveling zoo or circus" means any display or exhibit of wildlife alone or in combination with domestic animals which does not remain in any one county for more than one month at a time, nor make consecutive engagements at the same location.

6. "Commissioner" is Commissioner of the Department of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

E. Permit.

1. No person shall display captive wildlife under the jurisdiction of these rules, in this state unless such display is pursuant to and in compliance with a permit acquired from the Commissioner of Natural Resources. Application for such a permit shall be made on forms provided by the Commissioner and shall be mailed or delivered to the Department of Natural Resources, Regional Supervisor, Division of Enforcement.

2. After receipt of the application, the local conservation officer will inspect the premises, and a permit will be issued only after applicant complies with or agrees to comply with standards for wildlife exhibits as described in this order.

3. No permit issued under these rules shall be transferable.

F. Knowledge and background of caretakers.

1. The applicant must be at least 18 years of age and he or his employee who is primarily responsible for the care of the wildlife should possess either a Bachelor's degree in animal husbandry or similar wildlife related

course of study; or have at least three years of active work experience with wildlife of the nature to be displayed under the permit.

2. In lieu of such requirements as are listed in the preceding subdivision, the applicant may arrange for a regular monthly visit to his display and housing facility by a licensed veterinarian who shall certify by mail to the Commissioner on forms provided, that to the best of his knowledge, all requirements of the permit are being complied with and that any suggestions that he could make to substantially improve the living conditions within the general limits of said permit are being or have been accomplished.

3. In the event that the knowledge or background of an employee is deemed by the Commissioner to be sufficient to satisfy this requirement for said permit, the applicant shall apply for an amendment to such permit before the termination of the employment of said employee or as soon thereafter as possible, setting forth the qualifications of a new caretaker if neither the permit holder nor another employee has previously been accepted as qualified. If said amendment is not granted by the Commissioner, the permit will terminate concurrently with the denial of said amendment or the termination of the employment of the qualified employee, whichever is later.

G. Facilities and operating standards.

1. Facilities, general.

(a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) Water and power. Reliable and adequate electric power, if required to comply with other provisions of this permit, and adequate potable water shall be available on the premises.

(c) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of ani-

PROPOSED RULES

mal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

2. Facilities, indoor.

(a) **Ambient temperatures.** Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) **Lighting.** Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(d) **Drainage.** A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

3. Facilities, outdoor.

(a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(b) **Shelter from inclement weather.** Natural or artificial shelter appropriate to local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climates.

(c) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

4. **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns. As a general standard for mammals, the horizontal dimensions of any cage or other enclosure shall be at least four times the length of the animal to be kept therein, and the vertical dimensions shall be at least twice the height of the animal.

H. Animal health and husbandry.

1. Feeding.

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration of the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal facts, or other professionally accepted practices.

(b) Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

2. **Watering.** If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condi-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

tion, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

3. Sanitation.

(a) Cleaning of enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. (When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetter involuntarily.)

(b) Sanitation of enclosures. Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180 F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(c) Housekeeping. Premises (buildings and ground) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(d) Pest control. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

4. Separation. Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

5. Veterinary care.

(a) Programs of disease prevention and parasite control euthanasia, and adequate veterinary care shall be established and maintained under the supervision of a licensed veterinarian. The pest control program shall be reviewed by the veterinarian for the safe use of materials and methods. Animals subject to rabies or distemper shall receive vaccinations against these diseases by a licensed veterinarian, and records of this vaccination program shall be kept on the premises

and made available to conservation officers at all reasonable times.

(b) Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his direct supervision. Sick or diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.

6. Handling.

(a) Handling of animals shall be done as expeditiously and carefully in a way so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Care should be exercised also to avoid harm to the handler.

(b) Animals to which the public is afforded direct contact shall only be displayed for periods of time and under conditions consistent with the animals' health and not leading to their discomfort.

(c) During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between animal acts and the viewing public to assume safety to both the public and the animals.

I. Permit fee.

1. The fee for a permit shall be \$10 which shall be submitted with the original application and every amendment and annual renewal thereof.

2. Such fee will be returned in the event the permit, or the amendment thereof, applied for is denied or in the event the permittee does not accept the permit as issued with conditions.

3. The permit shall be renewed annually.

J. Amendments. Any permit granted by the Commissioner under these regulations must be amended, to continue the display of wildlife, through the same procedures as the original application, in the event of any substantial increase in the numbers of wildlife, any changes in species, or any substantial change in the facilities.

1. For the purpose of this section a "substantial increase in the numbers of wildlife" is any increase equal to or greater than the following:

(a) 10% of the originally permitted number if introduced from outside the displayed wildlife or if introduced into the exhibit by natural birth of offspring

PROPOSED RULES

occurring as a result of mating among wildlife not kept together pursuant to permit.

(b) 25% of the originally permitted number, if introduced into the exhibit by natural birth of offspring occurring as a result of mating among wildlife kept together pursuant to permit.

2. For the purposes of this section a "change in species" is any change in the biological "species" of the wildlife displayed, or any introduction of another of the same "species" that may not be harmonious with the permitted wildlife.

3. For the purposes of this section a substantial change in the facilities involved shall include any change in the confinement area or shelter area, any change in the primary materials used in the construction of the confinement area or shelter, any change not directed by a licensed veterinarian, in the nature or amount of food and water offered to each animal displayed, and any change in the conditions specifically required by the permit.

4. Fur-bearing animals, game birds, and deer may not be propagated except under a valid game farm license.

K. Review of permit decisions. If the permit is granted with conditions, or is denied, the applicant may, within 30 days after mailed notice thereof, file with the Commissioner of Natural Resources a demand for review of the application. If no demand for review is made within the 30 days, the permit decision becomes final.

L. Revocation. The Commissioner of Natural Resources may at any time revoke all or part of any permit issued under these rules under the following conditions, whenever, in his opinion, it is necessary to protect the interests of the public, or to protect the wildlife covered by said permit:

1. The permit holder must be informed in writing of the nature of the revocation and of the conditions which in the Commissioner's opinion require such revocation at least 14 days prior to the effective date of the revocation.

2. The permit holder, at any time prior to revocation, shall have the opportunity to apply for an amendment to his permit or to demand a hearing pursuant to Section K of this chapter to contest the revocation, support his proposed amendment, or both.

(a) Upon receipt of such an application or demand, the revocation is stayed until a determination by the Commissioner can be made on the matter.

(b) If no such application or demand be made, the permit shall be revoked on the date stated in the revocation notice.

3. Nothing in this section shall preclude legal action by the Commissioner at any time for injunctive relief from a permit violation pursuant to Minn. Stat. § 97.611, Subd. 4. All costs associated with seizures of neglected or mistreated animals shall be borne by the owner thereof (permit-holder) including the expenses of keeping, disposing of, and treating animals pursuant to Minn. Stat. § 346.216.

M. Disclaimer. Any permit issued under the provisions of these rules and regulations is permissive only and no liability shall be incurred by the state or by any of its officers, agents, or employees by reason of the issuance of such permit or by reason of any acts or operations of the permittee or any wildlife. At all times, the State of Minnesota, its officers, agents and employees shall be held harmless from any liability for damage or injury arising from the issuance of such permit.

N. Penalty. Anyone who violates any provision of these rules and regulations or any provision of a permit issued hereunder shall be guilty of a misdemeanor.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

OFFICIAL NOTICES

Department of Corrections

Non-Secure Correctional Residential Facilities for Adults and Juveniles

Notice of Intent to Solicit Outside Opinion

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1975), that the Minnesota Department of Corrections is considering proposed new rules for the operation and management of non-secure correctional residential facilities for adults and juveniles, such as correctional group homes, halfway houses, etc. The Department of Corrections is seeking information and comments from all interested persons or groups concerning the subject matter of the proposed rules.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements should be addressed to:

Lisa Mize
Minnesota Department of Corrections
Suite 430 Metro Square Building
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6257, and in person at the above address.

All statements of information and comments must be received by September 30, 1977. Any materials submitted shall be reviewed and considered by the Department of Corrections during the preparation of the proposed rules. Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

Thomas J. Foley
Deputy Commissioner

Department of Transportation

The Application of the Duluth Missabe and Iron Range Railway Company for a Permit to Construct a Car Dumper Building as part of its Pellet Storage and Shiploading Facility near Two Harbors, Lake County, Minnesota, at Less-than-Statutory Clearances.

Order for Hearing and Notice Thereof

IT IS HEREBY ORDERED, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on April 26, 1977, at 10:00 A.M., at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Ms. Natalie Gaull, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8119), 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 or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-2639).

The purpose of the hearing is that the Duluth, Missabe and Iron Range Railway Company made application and proposes to build a pellet unloading station or Car Dumper to be enclosed in a Car Dumper Building through which trains will pass during the car dumping process at its Pellet Storage and Shiploading Facility presently being constructed near Two Harbors, Lake County, Minnesota pursuant to Minn. Stat. § 219.46.

The petition recites that the proposed structure doorways through which trains would pass would provide statutory or great horizontal clearance but that the vertical clearance would be less than mandated by statute; and that within the structure machinery "equipped with an extendable and retractable wrench arm to open the bottom dumping doors of the pellet cars to unload the pellets, will run on tracks whose center lines are 9' 6" on either side of the center line of the dumping track," resulting in a less-than-statutory horizontal clearance. The petitioner prays for Close Clearance Permit granting permission to construct, operate and maintain the Car Dumper Building.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for April 26, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. The Hearing Examiner may dispose of this matter adverse to a party failing to appear at the hearing.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the

OFFICIAL NOTICES

Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: April 26, 1977

Name and Telephone Number of Hearing Examiner:

Ms. Natalie Gaul
1745 University Avenue
Saint Paul, Minn. 55104
296-8119

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

(CITE 1 S.R. 1523)

The Petition of Burlington Northern, Inc., to Remove The Base Agent at Fertile, Minnesota, to Transfer The Direct Service Agent From Fertile and to close and Remove the Depot Building at Fertile.

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on April 27, 1977, at 10:00 A.M., at the University of Minnesota, Technical College, Agricultural Research Center, Room 114, Crookston, Minnesota 56716.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8113), 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 or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-2639).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 all parties and potential parties of interest are given an opportunity to be heard on the proposed transfer of the headquarters of the Burlington Northern, Inc.'s Fertile Direct Service Agent to Crookston and assigning to that agent the stations of Harold, Melvin, Fertile, Gary, Twin Valley, Syre, Ulen, and Hitterdal.

The petition recites among other matters that there is presently no passenger service at Fertile or any of the 'blind sidings' or stations heretofore mentioned and no known intention that such will commence in the foreseeable future.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for April 27, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THIS PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the

OFFICIAL NOTICES

Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: April 27, 1977

Name and Telephone Number of Hearing Examiner:

Richard DeLong
1745 University Avenue
Saint Paul, Minn. 55104
296-8113

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

The Petition of The Chicago and Northwestern Transportation Company for Authority to Retire and Remove ICC Track No. 246, 411 Feet Long including turnout, at Mankato (Minneapolis), Minnesota.

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on April 25, 1977, at 10:00 A.M., in the Offices of the Chief Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota

The hearing will be held before Duane R. Harves, Chief Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8100). All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney for General, Frederick S. Suhler, Jr., 5th Floor, Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-2639).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. §§ 219.6181 and 219.741 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal of the Chicago and Northwestern Transportation Company's trackage.

The Petition alleges, among other matters, that the subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense; and that the track has not been in use since 1971 nor at the present time and with no prospect of further future use.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for April 25, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true and the Hearing Examiner may dispose of this matter adverse to the party failing to appear.

The above cited procedural rules are available at the

OFFICIAL NOTICES

Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: April 25, 1977

Name and Telephone Number of Hearing Examiner:

Duane R. Harves
1745 University Avenue
Saint Paul, Minn. 55104
296-8100

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

The Petition of the City of Burnsville For a Hearing to Review the Decision made by the Minneapolis, Northfield and Southern Railroad to close the Savage Bridge to Vehicular Traffic and to close a Railroad Crossing Located in the Proximity of Said Bridge.

Order for Hearing and Notice Thereof

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on May 10, 1977, at 9:00 A.M. in the City Council Chambers, City of Burnsville, 1313 East Trunk Highway 13, Burnsville, Minnesota 55337.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota, 55104, (Telephone: 612-296-8113), 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 or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General, Frederick S. Suhler, Jr., 5th Floor, Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-2639).

The hearing will be held to determine whether the Petition filed by the City of Burnsville for an order permitting the use of the bridge located in Government Lot One, Section 4, Township 115, Range 21, Scott County (commonly known as the "Savage Bridge") over the Minnesota River for vehicular traffic, requiring that the railroad crossing remain open and for further relief should be granted.

The Petition recites that it is filed pursuant to Minn. Stat. §§ 219.27, 218.021, subd. 1 (2) and 218.041. The Petition also prays for an order establishing a fair and equitable rate for the use of the bridge, if the bridge is owned by The Minneapolis, Northfield and Southern Railway.

Copies of said Petition are on file and may be inspected at the Office of the Chief Hearing Examiner.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for May 10, 1977 at 9:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. The

OFFICIAL NOTICES

Hearing Examiner may dispose of this matter adverse to a party failing to appear at the hearing.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: May 10, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Richard DeLong
1745 University Avenue
Saint Paul, Minn. 55104
296-8113

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

Department of Commerce Insurance Division

**Proposal for Adoption of Rules by the
Department of Commerce, Insurance
Division, Governing the Minnesota
Comprehensive Health Insurance Act
of 1976. (Laws of 1976, ch. 296, Art. I).**

Notice of Intent to Solicit Outside Opinion Extension of Time for Response

Dated: April 8, 1977.

NOTICE IS HEREBY GIVEN that the Department of Commerce, Insurance Division, will allow additional time for response to its solicitation of proposals for consideration as rules for the implementation of the Minnesota Comprehensive Health Insurance Act of 1976. Notice of solicitation of information was first published in Vol. I, State Register, p. 1287 (March 7, 1977), and pursuant to said notice the initial solicitation period expires on April 15, 1977.

Pursuant to the request of interested parties, additional time is granted for submissions of proposals and the solicitation period is hereby extended to May 15, 1977.

All interested persons or groups are requested to submit their considerations relating to: (1) the administration of the Comprehensive Health Insurance Plan, including bid specifications for the selection of a writing carrier, guidelines for the acceptance of reinsurance by the Minnesota Comprehensive Health Association, and the selection of policies of accident and health insurance to be offered by the Minnesota Comprehensive Health Association; and (2) criteria to be used by the Commissioner of Insurance in the evaluation of policies of accident and health insurance submitted by insurers for certification pursuant to Section 5 of the Minnesota Comprehensive Health Insurance Act.

Proposals, information, and comment shall be submitted in writing and may be addressed to:

John T. Ingrassia
Supervisor, Life & Health Section
Insurance Division
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

OFFICIAL NOTICES

All proposals, information, and comment must be received by May 15, 1977.

BERTON W. HEATON
Commissioner of Insurance and
Chairman, Commerce Commission
500 Metro Square Building
St. Paul, Minnesota 55101

Proposal for Adoption of Rules by the Department of Commerce, Insurance Division, Establishing Arbitration Procedures for Matters Covered by Minn. Stat. § 65B.53 (1976).

Notice of Intent to Solicit Outside Opinion

Dated: April 8, 1977.

NOTICE IS HEREBY GIVEN that the Department of Commerce, Insurance Division, shall entertain consideration for proposed rules establishing arbitration procedures as required by Minn. Stat. § 65B.53, subd. 4 (1976). This provision requires the Commissioner to establish arbitration procedures to enforce the right of indemnity provided in Minn. Stat. § 65B.53, subd. 1 (1976) of the Minnesota No-Fault Automobile Insurance Act. All interested individuals or groups are requested to submit their considerations relating to arbitration procedures that should be adopted by the Commissioner of Insurance.

All interested or affected persons/or groups are requested to participate. Proposals, information, and comment shall be submitted in writing and may be addressed to:

Thomas L. O'Malley
Assistant Commissioner
Insurance Division
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

All statements of information and comment must be received within thirty (30) days of the above date.

BERTON W. HEATON
Commissioner of Insurance and
Chairman, Commerce Commission
500 Metro Square Building
St. Paul, Minnesota 55101

State Planning Agency Developmental Disabilities Planning Office

1977 U.S. Regional Special Project Grants

The Developmental Disabilities Office, U.S. Department of Health, Education and Welfare (H.E.W.), announced in the *Federal Register* of Monday, March 28, 1977 that applications are now being accepted from public or private/non-profit organizations to compete for grants under its Regional Special Projects program. The purpose of this program is to enhance the scope of quality, and improve the coordination of services provided to persons having a developmental disability (defined as mental retardation, cerebral palsy, epilepsy, or autism). The scope of project operations may range from a community to a statewide focus. The established priority areas are for coordination of state service projects, personal and legal advocacy projects, recreation/leisure projects, projects targeted as sparsely populated areas, training and technical assistance for state/local planning and administration of services for persons having a developmental disability.

It is expected that approximately \$700,000 will be allocated for grants in the Region 5 states of Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. The grant application, evaluation and awards procedures will be conducted by the H.E.W. Office of Human Development in Chicago, Illinois. For specific details on program objectives and priorities, specific application forms and procedures, contact:

Mr. Robert Vogt, Director
Developmental Disabilities Office
Office of Human Development
Dept. of H.E.W. — Region 5
300 S. Wacker Drive
Chicago, Illinois 60607
Tel: 312/353-8416

Grant Application Deadline Extension

The deadline for submittal of applications for public information projects related to the interests of persons having a developmental disability, announced in the March 28, 1977 issue of the State Register (1 S.R. 1439), has been extended from May 31, 1977 to **June 10, 1977**.

EQC MONITOR

Environmental Quality Council

Receipt of Final EIS on Williams Pipeline Project from Mason City, Iowa to Cottage Grove, Minnesota

The EQC received the Final EIS on the Williams Pipeline Project on April 6, 1977 from the Department of Natural Resources. The proposed project would involve construction of a 130-mile, 18-inch pipeline from Mason City, Iowa to Cottage Grove, Minnesota. The pipeline would be used to transport crude oil, refined petroleum products, liquified petroleum gas, and non-pressure liquid fertilizer solutions.

The proposed pipeline would be constructed for the most part parallel to existing pipeline facilities. The Minnesota portion of the pipeline would extend 106 miles through Freeborn, Steele, Rice, Dakota, and Washington Counties.

At its April 11, 1977 meeting the EQC decided not to review this Final EIS. This decision constitutes acceptance of the EIS as adequate, and permit decisions may now be made on this project.

For further information on this project contact:

Alan Wald, Division of Waters
Minnesota Dept. of Natural Resources
3rd Floor Centennial Bldg.
658 Cedar Street
St. Paul, MN 55155
(612) 296-4803

Minnesota Historical Society

EIS Preparation Notice on Duplex-Condominiums on Summit Ave., St. Paul

An Environmental Assessment Worksheet (EAW) on the Duplex-Condominiums proposed by Design Consultants, Inc. to be constructed on Summit Avenue in St. Paul was submitted to the EQC on April 5, 1977 by the Minnesota Historical Society.

The EAW determined that an Environmental Impact Statement (EIS) is needed on this project because it is a major action and has the potential for significant environmental effects.

The proposed action consists of two duplex-condominiums to be constructed at 362-364 Summit Ave., St. Paul, Ramsey County, Section 1, Township 28 North, Range 23 West.

Copies of the EAW are on file for public review at Building 25, Fort Snelling, Twin Cities, telephone (612) 726-1171, from 8 a.m. to 5 p.m.

An EIS will be required on this action unless objections are filed with the EQC by May 18, 1977. MEQC Rule 29A indicates the procedures for filing objections to an EIS Preparation Notice.

For further information on this EAW contact:

Charles Skrief
Minnesota Historical Society
690 Cedar Street
St. Paul, MN 55101
(612) 726-1171

Department of Administration

Negative Declaration (No EIS) on High Security Correctional Facility in Washington County

An Environmental Assessment Worksheet (EAW) on the construction of a 400-inmate correctional high security facility (prison) proposed by the Minnesota Department of Administration was submitted to the EQC on April 8, 1977.

The EQC determined that no EIS is needed on this project because the project is not a major action and does not have the potential for significant environmental effects.

The proposed prison facility would be located in Oak Park Heights and Baytown Township, Washington County, Sections 3 and 4, Range 20 West, Township 29 North.

No EIS will be required on this project unless objections are filed with the EQC by May 18, 1977. MEQC Rule 28B indicates the procedures for filing objections to a Negative Declaration.

Copies of this EAW are on file for public review at the Metro Square Bldg.; 7th and Robert Sts., St. Paul, telephone 612/296-8624 from 8:00 a.m. to 5:00 p.m. For further information on this EAW contact:

Bruce McManus
MN Dept. of Corrections
430 Metro Square Bldg.
St. Paul, Minnesota 55101
612/296-8624

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

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_____ Annual subscription(s) to the *EQC Monitor* at \$50.00 (second and additional subscriptions are \$35.00 each). Contains all items of environmental concern.

NOTE: The above items are not subject to Minnesota sales tax. *State Register* binders, listed below, do require either sales tax or your tax exempt number.

_____ *State Register* binder(s) at \$5.00 + \$.20 sales tax,

for a total of \$5.20 per binder. Please fill in your tax exempt number, if necessary: # _____.

These are 3-½ inch durable plastic self-locking binders, imprinted with the *State Register* logo.

Please enclose full amount of items ordered with a check or money order made out to "Minnesota State Treasurer." Remember to include sales tax on binders only.

Name of Company or Organization _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____ [S.R. 3/14/77]



House of Representatives
Attn: Edward Burdick, Chief Clerk
Room 211 Capitol
St. Paul, Minnesota 55155

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