

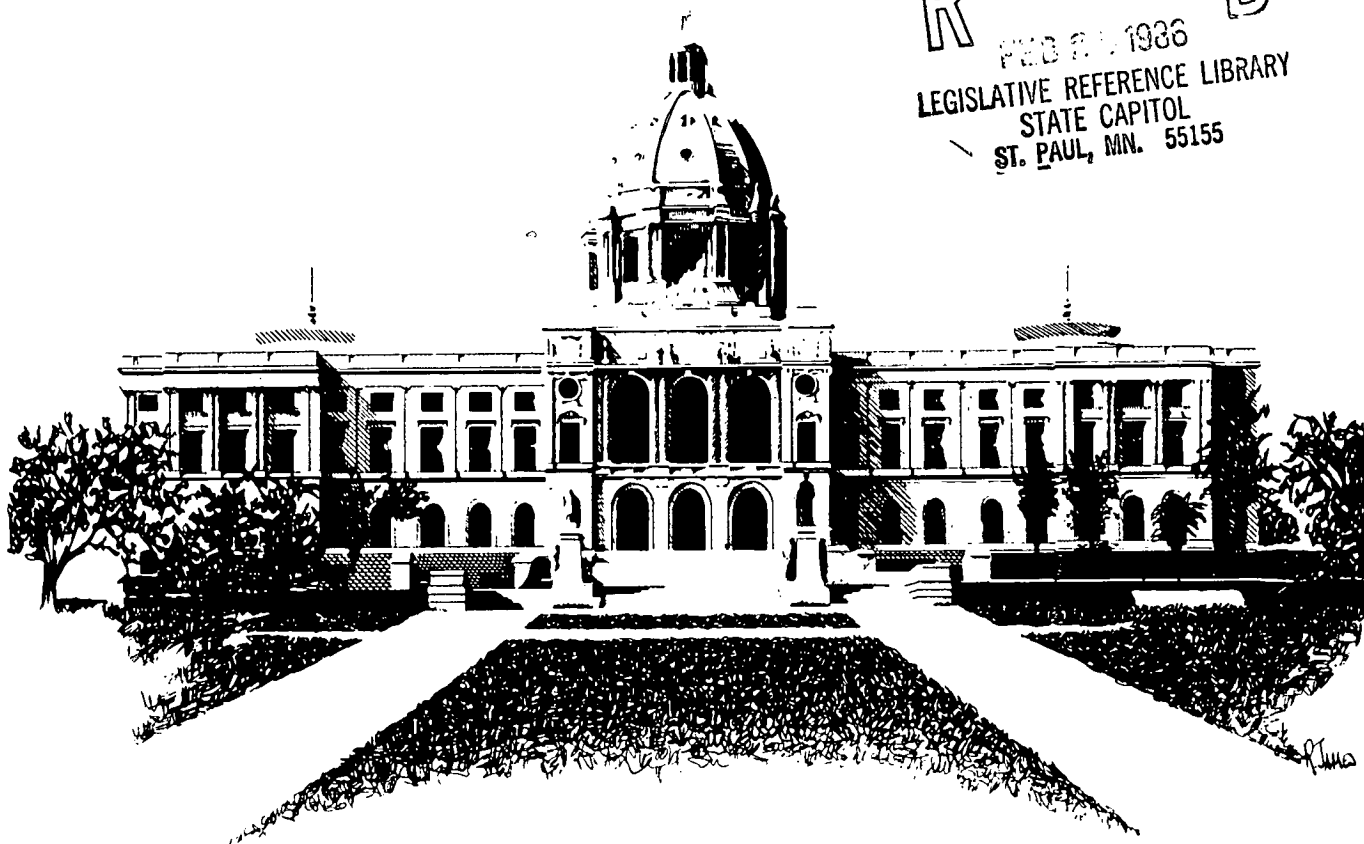
86, Feb. 24

STATE REGISTER

STATE OF MINNESOTA

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VOLUME 10, NUMBER 35

February 24, 1986

Pages 1749-1768



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 10			
36	Friday February 14	Monday February 24	Monday March 3
37	Monday February 24	Monday March 3	Monday March 10
38	Monday March 3	Monday March 10	Monday March 17
39	Monday March 10	Monday March 17	Monday March 24

*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, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

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 Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before April 8, 1985 are published in the Minnesota Rules 1985. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 will be included in a supplement scheduled for publication in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

Table with 2 columns: Issue/Range and Cumulative Issue. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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

Proposed Rules Relating to Licensure

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture proposes to adopt the above entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sect. 14.21-14.28.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed language.

Unless 20 percent or more persons paying a fee submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the board will proceed according to the provisions of Minn. Stat. Sect. 14.13-14.20.

Numbers of persons paying each fee affected by this rule change are:

<u>Fee</u>	<u>Number Paying Fee</u>	<u>20% of Number Paying Fee</u>
License renewal	10,600	2,120
Architect examination	80	16
Engineer examination	260	52
Landscape architect examination	20	4
Architect reexamination	220	44
Engineer fundamentals reexamination	40	8
Engineer license reexamination	40	8
Land surveyor fundamentals reexamination	4	1
Land surveyor license reexamination	8	2
Landscape architect reexamination	5	1

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

Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
162 Metro Square
Saint Paul, Minnesota 55101
(612) 296-2388

Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Authority for the adoption of this rule is contained in Minn. Stat. Sects. 215.06, 326.06, 326.10 and 16A.128. A statement of need and reasonableness that describes the need and reasonableness of each provision of the proposed rule, and that identifies the data and information relied upon to support the proposed rule, has been prepared and is available from the board upon request.

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

A copy of the proposed rule is attached to this notice. Additional copies of this notice and the proposed rule are available and may be obtained by submitting a written request to Lowell E. Torseth.

The proposed rule may affect small businesses. Because the board licenses individuals, rather than businesses or firms, the affect on small businesses will be minimal. The effect of the proposed rule will be the payment of higher or lower fees by individuals. In accordance with Minn. Stat. Sect. 14.115, the board's consideration of any effect on small businesses is discussed in the statement of need and reasonableness. Persons representing small businesses are invited to submit comments on the proposed rule.

Please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in Minn. Stat. Sect. 10 A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, 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 \$250.00, 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, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Lowell E. Torseth
Executive Secretary

Rule as Proposed

1800.0500 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Refunds; validity of application.** Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application ~~which is still pending upon which no action has been taken for~~ three years after the date of its receipt by the board shall be void.

Subp. 3. **Initial licensure and renewal.** The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is ~~\$22.50~~ \$22 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~\$45~~ \$44; for months 18 to 12, ~~\$33.75~~ \$33; for months 12 to 6, ~~\$22.50~~ \$22; and for months 6 to 0, ~~\$11.25~~ \$11. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

Subp. 4. [Unchanged.]

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

PROPOSED RULES

Subp. 5. **Certification or licensure examination fee.** The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

A. Architect:

- (1) ~~application for admission to examination, \$25;~~
- (2) uniform ~~architecture~~ architect registration examination (ARE), ~~\$220~~ \$271.

B. Professional engineer:

- (1) fundamentals of engineering examination, \$30;
- (2) principles and practice of engineering examination, ~~\$100~~ \$70.

~~The fee for the fundamentals of engineering examination taken for the board will be credited to the applicant toward the fee for application for the principles and practice of engineering examination for up to ten years.~~

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

C. [Unchanged.]

D. Landscape architect:

- (1) ~~application for admission to examination, \$25;~~
- (2) uniform national examination (UNE), ~~\$105~~ \$185.

Subp. 6. **Reexamination fees.** The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

A. Architect, uniform architect registration examination:

- (1) division A, pre-design, ~~\$33~~ \$40;
- (2) division B, site design, ~~\$33~~ \$40;
- (3) division C, building design, ~~\$55~~ \$60;
- (4) division D, structural technology, general, ~~\$16.50~~ \$22;
- (5) division E, structural technology, lateral forces, ~~\$12.50~~ \$18;
- (6) division F, structural technology, long span, ~~\$8.50~~ \$14;
- (7) division G, mechanical, plumbing, electrical, ~~and life safety, \$16.50~~ \$22;
- (8) division H, materials and methods, ~~\$21~~ \$26;
- (9) division I, construction documents and services, ~~\$24~~ \$29.

B. Professional engineer:

- (1) fundamentals of engineering, ~~\$20~~ \$25;
- (2) principles and practice of engineering, ~~\$20~~ \$35.

C. Land surveyor:

- (1) fundamentals of land surveying, ~~\$20~~ \$25;
- (2) principles and practice of land surveying:
 - (a) part III, ~~\$15~~ \$20;
 - (b) part IV, ~~\$30~~ \$35;
 - (c) parts III and IV, ~~\$45~~ \$50.

D. Landscape architect:

- (1) ~~subject A, history, \$15;~~
- (2) ~~subject B, professional practice, \$15~~ \$20;
- (3) ~~subject C, (2) design factors, \$37.50~~ \$40;
- (4) ~~subject D, (3) design application and implementation, \$37.50~~ \$125.

Subp. 7. [Unchanged.]

Higher Education Coordinating Board

Proposed Rules Relating to Financial Assistance

Revised Notice of Proposed Adoption of a Rule without a Public Hearing

Second notice is hereby given that the Minnesota Higher Education Coordinating Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is contained in Minnesota Statutes, Section 136A.111 subd. 2, 136A.16 subd. 2, 136A.234, 136A.70 and 147.30.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule of any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
612/296-7963

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

The proposed rule changes relate to the Loans to Medical and Osteopathy Students program (4810.2100-4810.2500); Definitions for Higher Education programs (4830.0100); Scholarships and Grants-in-Aid program (4830.0400-4830.0700); Work Study Grants program (4830.2200-4830.2600); State Student Loans program (4830.5200-4830.5400); and Approval of Names and Degrees program (4840.0500).

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Rose Herrera Hamerlinck upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Rose Herrera Hamerlinck, Minnesota Higher Education Coordinating Board, 400 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

February 7, 1986

David A. Longanecker
Executive Director
Minnesota Higher Education
Coordinating Board

This revised notice will appear in the *State Register* on February 24, 1986. The 30-day comment period begins on this date.

The Rules as Proposed appeared in the *State Register*, Volume 10, Issue 33, pages 1649-1654 (10 S.R. 1649) on February 10, 1986. The first notice was incomplete in citing the statutory authority to adopt these rules.

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

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Animal Health

Adopted Rules Relating to Public Exhibition of Livestock and Poultry

The rules proposed and published at *State Register*, Volume 10, Number 1, pages 618-622, September 9, 1985 (10 S.R. 618) are adopted as proposed.

Minnesota Pollution Control Agency Water Quality Division

Adopted Rules Relating to Wastewater Treatment

The rules proposed and published at *State Register*, Volume 10, Number 16, pages 884-890, October 14, 1985 (10 S.R. 884) are adopted with the following modifications:

Rules as Adopted

7075.0428 GRANT AMOUNTS.

Subp. 2a. **State financial assistance for combined sewer overflow abatement projects.** The agency may award state financial assistance for combined sewer overflow abatement projects as follows:

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For any municipality that is awarded additional funds shall enter into construction contracts or, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not made firm commitments adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

Subp. 3. **Local share.** Except as provided in part 7075.0425, in no event may a municipality that obtains a state matching grant or independent state grant be responsible for less than ten percent of the eligible cost of the project.

Subp. 4. [Unchanged.]

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 Health Health Resources Division

Outside Opinion Sought Concerning Rules Relating to Review of Care and Classification of Residents in Facilities Participating in the Medical Assistance Program

Notice is hereby given that the Minnesota Department of Health plans to adopt amendments to Emergency Rule parts 4656.0010 to 4656.0070 relating to the review of care and classification of residents in facilities participating in the medical assistance program. Promulgation of these amendments is dependent on passage of legislation which has been introduced in the legislature to extend Emergency Rule parts 4656.0010 to 4656.0070. If the legislation does not pass, the department will discontinue the amendment process and continue the permanent rule-making process.

Emergency Rule parts 4656.0010 to 4656.0070 are authorized by Minnesota Statutes, section 256B.431, subdivision 6.

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

Gary A. Goetzke
Quality Assurance and Review
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440

Oral statements of information and comments will be received over the phone at 612/623-5627 between 8:00 a.m. and 4:30 p.m. Monday through Friday.

Statements of information and comments will be received until March 7, 1986. Any written material received by the Department in response to this notice will become a part of the rule record.

Department of Human Services

Hospital Cost Index

Pursuant to Minnesota Rules, Part 9500.1120 hospitals participating in the Medical Assistance and General Assistance Medical Care programs are subjected to a Health Cost Index (HCI) that is used in the determination of prospective inpatient hospital rates. Each hospital whose fiscal year starts during a given calendar quarter shall be notified of the HCI to be used 30 days prior to the start of that quarter. It has been determined that the HCI is 4.0 percent according to an independent source, Data Resources, Inc. for Health Care Costs for hospitals whose fiscal years begin during the calendar quarter beginning April 1, 1986.

Leonard W. Levine
Department of Human Services

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.

Department of Human Services

Outside Opinion Sought Concerning Proposed Rules Governing Adult Foster Care Services

Notice is hereby given that the Minnesota Department of Human Services is considering a permanent rule governing the administration and provision of adult foster care services to functionally-impaired adults by local county human service agencies.

The rule parts are authorized by Minnesota Statutes, 256.01, subdivision 2,(3); 256.03, subdivision 2 D and C; 256.E.05, subdivisions 1 and 3; and 256.E08, subdivision 1.

The purpose of the rule parts is to ensure that a functionally-impaired adult has access to adult foster homes as a living arrangement; that the adult receives services when selecting an adult foster home; that individualized service and placement plans are developed and carried out; and that community, social and health care services are arranged for in accordance with the individual service and placement plans.

The rule parts set forth the agency's responsibility for foster home development, staffing, training, adult placements, development of the individual resident placement plan, social service requirements and complaints.

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

Gwen Wildermuth
Social Services Division
Department of Human Services
4th Floor, Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: 612/296-0311 (regular business hours)

All statements of information and comment shall be accepted until further notice. All written material received by the Department shall become part of the rule record.

Department of Human Services

Outside Opinion Sought Concerning Rules Relating to Nursing Home Operating Cost Payment Rate Determination

Notice is hereby given that the Minnesota Department of Human Services plans to promulgate amendments to Temporary Rule parts 9549.0050 to 9549.0059 relating to determination of operating cost payment rates for nursing homes licensed under Minnesota Statutes, chapter 144A or boarding care facilities licensed under Minnesota Statutes, section 144.50 to 144.58 participating in the Medical Assistance Program. Promulgation of these amendments is dependent on passage of legislation which has been introduced in the legislature to extend temporary rule parts 9549.0050 to 9549.0059. If the legislation does not pass, the department will discontinue the amendment process and continue the permanent rulemaking process.

Rule parts 9549.0050 to 9549.0059 are authorized by Minnesota Statutes, section 256B.431, subdivision 6. The department is considering amendments to these rules to clarify the operating cost rate determination process to be used to determine rates for fiscal year 1987 and to update the resident classification system as used in determining operating cost payment rates.

All interested persons or groups are requested to participate. Statements of information and comment may be addressed to:

Jane M. Delage
Rules Unit, Department of Human Services
4th Floor, Centennial Office Building
658 Cedar Street
St. Paul, MN 55105

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-4302. All statements of information and comment will be received until March 10. Any written material received by the Department will become part of the hearing record.

Legislative Commission to Review Administrative Rules

Notice of Commission Request

The LCRAR requests state agencies that have not exercised 1985 grants of rulemaking authority within the deadline prescribed in Minnesota Statutes, section 14.12 to so notify the Commission in writing by April 1, 1986 and to state the reasons for non-compliance. Address replies to LCRAR, 55 State Office Building, St. Paul 55155.

Maryanne V. Hruby
Executive Director

Office of the Secretary of State

Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is March 18, 1986.

BOARD ON AGING has 2 vacancies open for members. The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging of approximately 15 million; makes grants to 13 area agencies on aging and non-profit agencies; serves as an advocate for older persons, programs, and legislation for older persons in Minnesota. Members are appointed by the Governor. Monthly meetings at Metro Square Bldg. Members receive \$35 per diem plus expenses. For specific information contact the Board on Aging, Suite 204, Metro Square Bldg., St. Paul 55101; (612) 296-2770.

ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY has 1 vacancy open for a member. The authority implements loan programs that assists and encourages the establishment, maintenance and growth of small businesses in Minnesota; assists in the financing and development of alternative sources of energy and energy conservation; assists in the financing of improvements to public buildings for the purpose of energy conservation on the use of alternative energy resources. Members are appointed by the Governor. Members receive \$35 per diem. Members must file with the Ethical Practices Board. For specific information contact the Energy and Economic Development Authority, 980 American Center, 150 E. Kellogg Bldg., St. Paul 55101; (612) 296-6424.

PUBLIC UTILITIES COMMISSION has 1 vacancy open for a non DFL member. The commission regulates the rates and operations of electric, natural gas, and telephone utilities. Acts through adjudicatory hearings, rulemaking hearings, and informal complaint resolutions. Members are appointed by the Governor and confirmed by the Senate; no more than three members from the same political party. Members must file with the Ethical Practices Board. Consideration given to persons learned in the law or persons who have engaged in engineering, public accounting or property and utility valuation as well as being representative of the general public. Full-time positions; members receive \$40,000 per year. For specific information contact the Public Utilities Commission, 780 American Center Bldg., 160 E. Kellogg Blvd., St. Paul 55101; (612) 296-7124.

FAMILY FARM ADVISORY COUNCIL has 2 vacancies open for the following members: a) 1 dairy farmer representative; b) 1 officer from a commercial lending institution representative. The council assists farmers in obtaining credit to purchase farm real estate by guaranteeing loans and deferring interest payments. Members are appointed by the Commissioner of Agriculture for 4 year terms. Monthly meetings; members receive \$35 per diem plus expenses. For specific information contact the Family Farm Advisory Council, Dept. of Agriculture, 90 W. Plato Blvd., St. Paul 55107; (612) 296-8435.

MEDICAL POLICY DIRECTIONAL TASK FORCE ON MENTAL HEALTH has 7 vacancies open for the following members: a) 1 representative for medicine; b) 1 representative for mental retardation; c) 1 representative for psychiatry; d) 1 representative for mental health; e) 1 representative for nursing; f) 1 representative for physiatry; g) 1 representative for rehabilitation. The task force advises the Commissioner of Human Services on Mental Health and public policy. Members are appointed by the Commission and include members who are experts in their fields of medicine, mental health, mental retardation, or related sciences. Members also may be selected from social service, rehabilitation, volunteer services, nursing, hospital administration or related fields. Members receive expenses. For specific information contact the Medical Policy Directional Task Force on Mental Health, Dept. of Human Services, Centennial Bldg., St. Paul 55155; (612) 297-4284.

State Board of Investment

Meetings of the Board and the Investment Advisory Council

The State Board of Investment will meet on Wednesday, March 5, 1986 at 8:30 a.m. in Conference Room D, Fifth Floor, Veterans Service Building, 20 West 12th Street, Saint Paul, MN.

OFFICIAL NOTICES

The Investment Advisory Council will meet at 2:00 p.m. on Tuesday, March 4, 1986, in the MEA Building, Gestic Lounge, 41 Sherburne, Saint Paul, MN.

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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
02-307-48375	Purchase of Cash Registers & Equipment	Administration— Plant Management	St. Paul	Contact buyer
22-400-01046, 47, 48, 49	Purchase of Computer System	Energy & Economic Development	St. Paul	Contact buyer
02-307-48375	Purchase of Cash Registers & Equipment	Administration— Plant Management	St. Paul	Contact buyer
29-000-43484	Fishing Piers—Floating	Natural Resources	Various	Contact buyer
29-003-09468 etc.	Car	Natural Resources	Grand Rapids	Contact buyer
Price Contract	16mm projectors	Various	Various	\$20,000-30,000
79-100-03482 etc.	Sample Bags	Transportation	Various	Contact buyer
75-200-07107	Alarm System	Veterans Home	Minneapolis	Contact buyer
26-175-06419	Earth Station Satellite Receiving Equip.	Southwest State University	Marshall	Contact buyer
REBID Price Contract	Tubular Knit Fabric	Minnesota Correctional Facility—Oak Park Heights	Oak Park Heights	\$70,000-71,000
02-310-14294, 14295	Lounge & Dining Room Furn.	Cambridge State Hospital	Cambridge	Contact buyer
29-000-43245	Automated Power File	Natural Resources	St. Paul	Contact buyer
02-430-47192	Telephone System	Administration— Telecommunications	St. Paul	Contact buyer
5498-22-400-01050	Bed & Breakfast/Historic Inns	Energy & Economic Development	St. Paul	Contact buyer
29-001-09568, etc.	All Terrain Vehicles	Natural Resources	Various	Contact buyer
32-300-14143	Package & Disposal of Hazardous Waste	Pollution Control Agency	Roseville	Contact buyer
21-200-11946 REBID	Blanket Insurance Coverage for Fire, Extended Coverage, Vandalism & Malicious Mischief	Jobs & Training	St. Paul	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-52040	Radio Communications Equipment	Transportation	Various	Contact buyer
79-382-01052	Self Propelled Road Broom	Transportation	Detroit Lakes	Contact buyer
27-155-48243	Security Detection Tape	Rainy River Community College	International Falls	Contact buyer
79-382-01021	Used Truck	Transportation Central Shop	St. Paul	Contact buyer
26-071-16162	Lab Chemicals	Mankato State University	Mankato	Contact buyer
27-158-48732	Logic Analyzer System	Mesabi Community College	Virginia	Contact buyer
43-000-06834	Used Tent	Iron Range Resources & Rehabilitation Board	Biwabik	Contact buyer
26-074-10713	Pole Vault Pit	Winona State University	Winona	Contact buyer
Various	Herbicides	Various	Various	Contact buyer
26-071-15929	Power Steering	Mankato State University	Mankato	Contact buyer

Contact 296-6152 for referral to specific buyers.

Racing Commission

Solicitation for Assistant Veterinarian

The Minnesota Racing Commission is seeking a veterinarian licensed or eligible to be licensed in the State of Minnesota to provide technical assistance to the MRC Chief Veterinarian during the period April 20, 1986 to November 30, 1986.

Applicants must have knowledge and experience in equine sportsmedicine and preferably have knowledge and experience in the field of pari-mutuel horse racing, particularly in the regulatory functions thereof.

Incumbent will be expected to devote his or her time during the term of the contract to fulfilling a variety of veterinary related functions at Canterbury Downs, most specifically supervising the MRC's post race testing facility. Incumbent will also be expected to perform other tasks as assigned by the MRC Chief Veterinarian and to fulfill requirements pursuant to Minn. Rules chapters 7890, 7891, and 7892. Rate of compensation will be commensurate with both the incumbent's qualifications and industry standards. Contract estimate is \$20,000.

Requests to contract for services must be in the form of a letter of application and statement of qualifications, and will be accepted until 4:30 p.m. on or before March 24, 1986, and should be directed to the attention of:

Dr. Camille McArdle
 Chief Veterinarian
 Minnesota Racing Commission
 11000 West 78th Street, Suite #201
 Eden Prairie, Minnesota 55344
 (612) 341-7555

STATE CONTRACTS

Supreme Court Legal Services Advisory Committee

Request for Proposals for Legal Services

The Legal Services Advisory Committee is requesting proposals for legal services and alternative dispute resolution programs for low income people.

Inquiries should be directed to:

J. L. Rehak
230 State Capitol
St. Paul, MN 55155
(612) 296-6822

Application Deadline: April 15, 1986.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Supreme Court Lawyer Trust Account Board

Notice of Grant Cycle July 1, 1986 to June 30, 1987

The Minnesota Supreme Court has established a program to use the interest on lawyer trust accounts to improve the delivery of legal services to the poor, to promote the development of law-related education for the public, and to develop programs to enhance the administration of justice.

The Lawyer Trust Account Board has announced a grant program to distribute funds to projects in any of three program areas. The Board will support not only traditional approaches, but will encourage projects which show innovative approaches to recognized needs throughout the state. The Board is soliciting proposals. For application information, contact the Executive Director, 318A State Capitol, St. Paul, MN 55155. The application deadline is April 15, 1986.

SUPREME COURT DECISIONS

Decisions Filed Friday, February 14, 1986

Compiled by Wayne O. Tschimperle, Clerk

C7-85-600 Leonard S. Busch, Relator v. County of Hennepin. Tax Court.

Greenhouses used to raise flowers were real estate and within the meaning of tax statutes imposing taxes on real estate.

Affirmed. Kelley, J.

Took no part, Peterson, J.

CX-84-1181 In the Matter of the Welfare of D.L.K., Child. Court of Appeals.

The actor's sudden and painful grabbing and pinching of the complainant's breast is sufficient use of force to accomplish sexual contact to sustain the trial court's conclusion that the actor's conduct constituted criminal sexual conduct in the fourth degree in violation of Minn. Stat. § 609.345(c) (1984).

Reversed, judgment of the trial court reinstated. Wahl, J.

C3-85-1517 Hubbard Broadcasting, Inc., d.b.a. KSTP-TV, KSTP-AM, Inc., and KSTP-FM, Inc. v. Metropolitan Sports Facilities Commission, a public body, Appellants and American Sign and Indicator Corporation and Twin City Federal Savings & Loan Association, et al., Appellants. United States Court of Appeals for the Eighth Circuit.

We hold that the scoreboard system agreement for the Hubert H. Humphrey Metrodome was not a contract for supplies, material or equipment requiring public bidding within the meaning of Minn. Stat. § 473.556, subd. 7 (1984), and therefore determine that the Metropolitan Sports Facilities Commission did not violate this statute in executing that agreement.

We also hold that the Metropolitan Sports Facilities Commission had the authority to sell or lease advertising in the Metrodome on an exclusive basis and that it did not unlawfully delegate its powers in the scoreboard system agreement.

Answers to certified questions submitted to the Clerk of the United States Court of Appeals for the Eighth Circuit pursuant to Minn. Stat. § 480.061 (1984). Scott, J.

C6-85-1009 Susan M. Freeman v. Armour Food Company, self-insured, Relator and Farmers Insurance Group, intervenor. Workers' Compensation Court of Appeals.

The Workers' Compensation Division has subject matter jurisdiction to award reimbursement to a no-fault insurance carrier intervening in a proceeding on an employee's claim petition.

Workers' compensation was payable for the periods of time the no-fault auto carrier here seeks reimbursement for no-fault benefits paid.

Affirmed. Simonett, J.

C8-85-1626 Ernest O'Neill, Jr., et al v. Illinois Farmers Insurance Company, Appellant. Dakota County.

The statute of limitations on a cause of action to imply underinsured motorist coverage in an insurance policy and to recover benefits under the implied-in-law coverage begins to run on the date of the auto accident causing injury.

Reversed. Simonett, J.

ORDER FORM

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

- _____ Annual subscription \$130.00
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CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

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NEW ADDRESS

Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

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

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Contact: Senate Public Information Office
Room 111 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Legislative Reference Library
Attn: Zona DeWitt
645 State Office Bldg.
Interoffice