

STATE REGISTER

STATE OF MINNESOTA

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VOLUME 10, NUMBER 45

Monday 5 May 1986

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STATE REGISTER

Volume 10

Printing Schedule

Submission Deadlines

Vol. 10 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
45	Monday 21 April	Monday 28 April	Monday 5 May
46	Monday 28 April	Monday 5 May	Monday 12 May
47	Monday 5 May	Monday 12 May	Monday 19 May
48	Monday 12 May	Monday 19 May	Monday 26 May

*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) 296-4273.

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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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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

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

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

Perspectives—Publication about the Senate.

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

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

Cover graphic: *Minnesota State Capitol*, Ink drawing by Ric James.

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

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

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1985.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

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.0890; .0900; .0910; .0920; .0930; .0940; .0950;
.0960; .1120; .1130; .1140; .1150; .1160; .1170;
.1180; .1190; .1200; .1210; .1220; .1230; .1240;
.1250; .1260; .1270; .1280; .1290; .1300; .1310;
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.4000; .4100; .5100; .5200; .5300; .5500; .5800;
.5900; .6000; .6100; .6300; .6800; .6900; .7000;
.7100; .7700; .7800; .7900; .8200; .8400; .8500;
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.3120; .3650; .9900 (adopted) 2007

6800.1500, s. 8 (repealer) 2007

MN POLLUTION CONTROL AGENCY

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7002.0210-.0310 (adopted) 2010

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7876.0110; 7877.0110; .0120; .0130; .0140;

.0145; .0170; .0175; .0180; 7878.0130; .0140;

.0150; .0160; 7883.0100; .0140; .0150; 7891.0100;

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.0070; .0080; .0090; .0100; .0110; .0120; .0130;

.0140; .0150; .0160; .0170; .0180; .0190; .0200;

.0210; .0220; .0230; .0240; .0250; .0260; .0270;

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9549.0050-.0059 (proposed temporary) 2016

9550.6200-.6240 (adopted) 2005

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.

Department of Natural Resources

Parks and Recreation Division

Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources proposes to adopt the above-entitled rule without a public hearing. The Commissioner of Natural Resources has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rule, and shall have 30 days to do so. 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 department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to: Ron Nickerson, Minnesota Department of Natural Resources, Box 39-500 Lafayette Road, St. Paul, Minnesota 55146, (612) 296-2270.

Authority to adopt this rule is contained in Minnesota Statutes, 1985 Supplement, Section 85.05. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ron Nickerson.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as adopted, should submit a written statement of such request to Ron Nickerson.

The proposed rule will not impact small business as defined in Minnesota Statutes, Section 14.115, because this rule relates to local administration of a state program.

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

Copies of this Notice and the proposed rule are available and may be obtained by contacting Ron Nickerson.

24 April 1986

Don D. Davison, Director
Division of Parks and Recreation

Rule as Proposed (all new material)**6100.1710 GROUP DAILY VEHICLE PERMITS.**

All state park managers will have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of \$1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally limited, such as weekdays, weekends in some parks, or off-season weekends.

Board of Pharmacy**Proposed Rules Relating to Fees****Notice of Intent to Amend Rules without a Public Hearing**

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend Minn. Rules Parts 6800.0400 and 6800.1250. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules will be used, except that no public hearing will be held unless at least 20 percent of the persons who will be required to pay the proposed fees submit a written request for a public hearing to the Board during the 30-day comment period described below. See, Minnesota Statutes, section 16A.128, subdivision 2.a. (Minn. Laws 1985, 1 Sp. 13, section 101).

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendment, and comment is encouraged.
2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comments, and any change proposed.
3. If 20 percent or more of the persons who will be required to pay the proposed fees submit a written request for a public hearing during the 30-day comment period, a public hearing will be held.
4. All comments, including requests for a public hearing, shall be submitted to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, Room 107, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1079.
5. 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.
6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.
7. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Holmstrom at the above address.
8. Authority to amend Minn. Rules pts. 6800.0400 and 6800.1250 is contained in Minn. Stat. sections 151.06 sub. 1(7) and (9), 151.07, 151.19 and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.
9. The approval of the Commissioner of Finance for amendments or rules relating to fees is required by Minn. Stat. section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to Minn. Rules pts. 6800.0400 and 6800.1250 is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.
10. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

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

11. Any rule change made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the change.

18 April 1986

David E. Holmstrom
Executive Director

Rules as Proposed

6800.0400 ANNUAL LICENSE RENEWAL DATE AND FEES.

Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application for license renewal, on or before June 1 of each year, together with a fee of \$90 \$100. Renewal applications received on or after July 1 are subject to a late filing fee of \$25 \$50 in addition to the renewal fee.

6800.1250 APPLICATIONS FOR LICENSURE.

Subpart 1. **Submitting.** Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicant's birth certificate, and a recent photograph. All applicants shall show evidence of graduation with a bachelor of science degree or doctor of pharmacy degree, as the first professional undergraduate degree in pharmacy, from a college of pharmacy or a department of pharmacy of a university approved by the board and meeting at least the minimum standards set by the American Council on Pharmaceutical Education in the current edition of its accreditation manual. Such evidence shall be shown by submitting a final transcript showing the date on which degree was conferred. The above-listed documents together with a check for \$90 \$125 must be submitted to the board at least 30 days prior to the examination.

Subp. 2. **Retaking examn.** Any applicant who has failed to pass the examination required by Minnesota Statutes, section 151.06, 151.07, 151.10, or 151.12, may retake such examination within the next ensuing 14 months, provided that no applicant who has failed in three examinations shall be permitted to take a further examination, except upon petition setting forth facts acceptable to the board. The applicant shall, at least 39 days before an examination, notify the board in writing of his or her intentions to retake the examination, certifying that information furnished on ~~his~~ the original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of \$90 \$125 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

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.

Department of Commerce

Adopted Rules Relating to Cancellation of Commercial Policies

The rules proposed and published at *State Register*, Volume 10, Number 19, pages 1018-1020, November 4, 1985 (10 S.R. 1018) and Volume 19, Number 21, pages 1146-1149, November 18, 1985 (10 S.R. 1146) are adopted with the following modifications:

Rules as Adopted

CANCELLATION, NONRENEWAL, AND CHANGE OF RATES

2700.2400 SCOPE.

Parts 2700.2400 to 2700.2450 apply to all commercial liability insurance policies issued by companies licensed to do business in this state except workers' compensation insurance, employers' liability, ocean marine insurance, accident and health insurance, excess insurance, surplus line insurance, and resinsurance.

EMERGENCY RULES

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

(Emergency rules published in this issue)

AGRICULTURE DEPARTMENT

1580.0100-.1000 (emergency extended) 2262

POLLUTION CONTROL AGENCY

Solid and Hazardous Waste Division

7035.8000-.8160 (emergency extended) 2262

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.

EMERGENCY RULES

Pollution Control Agency Solid and Hazardous Waste Division

Continuation of Emergency Rules Governing the Waste Tire Dump Abatement Program

Notice is hereby given that Minn. Rules pts. 7035.8000 to 7035.8160 [Emergency], which were effective November 21, 1985, and which were proposed in the *State Register* on September 23, 1985, at Vol. 10, no. 13, pp. 687 to 694 (10 SR 687), and in the *State Register* on December 9, 1985, at Vol. 10, no. 24, p. 1311 (10 SR 1311), are being continued in effect for an additional 180 days. The rules govern the waste tire dump abatement program under the Minnesota Pollution Control Agency. The new expiration date for these rules will be November 15, 1986, or whenever replaced by permanent rules, whichever is earlier.

24 April 1986

Thomas J. Kalitowski
Executive Director

Department of Energy and Economic Development Agricultural Resource Loan Guaranty Board

Extension of Emergency Rules Governing the Agricultural Resource Loan Guaranty Program

Notice is hereby given that Minnesota Rules 1580.0100 to 1580.1000 (Emergency) which govern the Agricultural Resource Loan Guaranty Program, effective October 18, 1985, and were published in the *State Register* in Volume 10, Number 9, pages 530-537, August 26, 1985 and *State Register*, Volume 10, Number 20, pages 1122-1123, November 11, 1985, are being confirmed in effect for an additional 180 days. This continuation is in accordance with Minnesota Statute 14.35. The new expiration date for Minnesota Rules 1580.0100 to 1580.1000 (Emergency) will be October 13, 1986, or when replaced by permanent rules, whichever is earlier.

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.

Departments of Administration, Agriculture, Energy and Economic Development, Finance, Natural Resources, and Transportation, and the Metropolitan Council

Notice of Request for Resumes from Fee Appraisers

The State of Minnesota and the Metropolitan Council is establishing a list of qualified real estate appraisers to do contract appraisals for the Departments of Administration, Agriculture, Energy and Economic Development, Finance, Natural Resources, Transportation and the Metropolitan Council, for the period beginning July 1, 1986. In developing the list of qualified appraisers, the State invites appraisers to submit requests to be on that list, together with their resume, reflecting one or more of qualifications listed below:

The request and resume must be received no later than May 29, 1986.

I. INDIVIDUALS WITH APPRAISAL DESIGNATIONS:

Individuals holding a designation from one or more of the following organizations and furnishing evidence of good standing in that organization shall be qualified to be on the State's List of Qualified Appraisers.

- A. American Institute of Real Estate Appraisers
 - 1. Member of the American Institute (M.A.I.)
 - 2. Residential Member (R.M.)
- B. Society of Real Estate Appraisers
 - 1. Senior Residential Appraiser (S.R.A.)
 - 2. Senior Real Property Appraisers (S.R.P.A.)
 - 3. Senior Real Estate Analyst (S.R.E.A.)
- C. American Farm Managers and Rural Appraisers
 - 1. Accredited Rural Appraiser (A.R.A.)
- D. American Society of Appraisers
 - 1. Senior Member (A.S.A.)
 - 2. Fellow (F.A.S.A.)
- E. National Association of Independent Fee Appraisers
 - 1. Member (I.F.A.)
 - 2. Senior Member (I.F.A.S.)
 - 3. Appraiser-Counselor (I.F.A.C.)
- F. Accredited Minnesota Assessor (A.M.A.)

Candidates, Associate members and nondesignated appraisers must show further evidence of training, experience and proficiency, as noted in paragraph II below.

II. INDIVIDUALS WITHOUT APPRAISAL DESIGNATIONS:

Individuals not having one of the designations set forth above, shall be qualified to be on the State's List of Qualified Appraisers provided they meet all the requirements below:

A. Experience:

Appraisers shall have had at least two years full time experience in Real Estate Appraising. A resume should relate the type of appraisal experience along with a listing of clientele.

B. Training:

1. Appraisers holding a Bachelor's degree with a core curriculum in Real Estate or in Valuation Sciences from a nationally accredited university or college shall have met the training requirements, or

2. An appraiser having completed any of the following appraisal course work sequences in the last 5 years shall have met the training requirements.

- AIREA Courses
 - Real Estate Appraisal Principles (#1A-1)
 - Basic Valuation Procedures (#1A-2)
 - + at least 20 hours, as further described in III Continuing Education
- SRA Courses
 - An Introduction to Appraising Real Property (101)
 - Applied Residential Property Valuation (102)
 - + at least 20 hours, as further described in III Continuing Education
- AFMRA Courses
 - Principles of Rural Appraisals
 - Advanced Rural Appraisals
 - + at least 20 hours, as further described in III Continuing Education
- IFA Courses
 - Principles of Real Estate Appraising (1.1)
 - Income Property Appraising (2.1A & 2.1B)
 - Farm, Ranch and Rural Property Appraising (3.1)
 - + at least 20 hours, as further described in III Continuing Education

C. Sample Appraisal:

The State reserves the right to request a sample appraisal done for a client. The sample appraisal is to be examined for compliance with generally recognized appraisal procedures.

OFFICIAL NOTICES

III. CONTINUING EDUCATION:

An appraiser having completed the above courses or receiving a designation prior to July 1, 1983, shall submit evidence of having completed no less than 15 hours of approved continuing education since that date. Approved continuing education shall consist of attending such courses, or seminars or meetings which would result in an appraiser being adjudged "currently certified" by an approved designating organization, or; which has been approved for continuing education credit for Real Estate Licensure by the State of Minnesota, Department of Commerce.

Appraisers having completed 45 or more hours of continuing education since July 1, 1983, and who are otherwise qualified will be on the State List until June 30th 1989.

Appraisers having completed 30 or more hours of continuing education since July 1, 1983, and who are otherwise qualified will be on the State's List until June 30th 1988.

Appraisers having completed 15 or more hours of continuing education since July 1, 1983, and who are otherwise qualified will be on the State's List until June 30th 1987.

IV. ASSIGNMENTS:

Certification to a state list of qualified appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, dependent on the qualifications of the appraisers, geographic location, and fee requirements.

NOTE: Appraisers will be entitled to reject any assignment offered.

A list of the basic standards may be obtained upon written request to the address below.

Mail resumes, requests and other material:

Department of Natural Resources
Bureau of Land—Box 30
Acquisition and Exchange
500 Lafayette Road
St. Paul, Minnesota 55146

Phone Calls may be directed to:

Denis Dailey 297-1657
Russ Gustafson 296-1135

Council on Asian-Pacific Minnesotans

Notice of Five Public Hearings to Solicit Public Comments on the Council's Strategic Plans Drafted to Implement the Legislative Mandates.

The Council on Asian-Pacific Minnesotans, a newly legislated State Agency, will hold 5 state-wide Public Hearings as follows:

Thursday, May 29	Rochester
3:00-5:00 PM	Council Chambers, City Hall
7:00-9:00 PM	Council Chambers, City Hall
Wednesday, June 11	Minneapolis
3:00-5:00 PM	Minneapolis Public Library (Room 310)
7:00-9:00 PM	Hennepin County Government Center
Thursday June 19	Saint Paul
3:00-5:00 PM	Senate Room 15, State Capitol
5:00-9:00 PM	Senate Room 15, State Capitol
Tuesday, June 24	Saint Cloud
3:00-5:00 PM	Council Chambers, City Hall
7:00-9:00 PM	Council Chambers, City Hall
Monday, June 30	Duluth
3:00-5:00 PM	Council Chambers, City Hall

The purpose of the Public Hearings is to solicit public comments on the Council's Strategic Plans drafted to implement The Legislative Mandates. All interested persons are invited to address the Council on critical issues affecting the Asian-Pacific Minnesotans, such as, VOTER REGISTRATION, EQUAL OPPORTUNITY, AFFIRMATIVE ACTION, DISCRIMINATION, EMPLOYMENT, EDUCATION/TRAINING, HOUSING, REFUGEE SERVICES, MINORITY CONTRACTS, IMMIGRATION, HEALTH/HUMAN SERVICES, MENTAL HEALTH, ECONOMIC DEVELOPMENT, CREDITS & LOANS, INTERNATIONAL TRADE, CIVIL/HUMAN RIGHTS, POLITICAL INVOLVEMENT.

The Council will prioritize the needs and submit its findings and recommendations to the Governor and the Legislature for appro-

priate action. Organizations who wish to co-sponsor the Public Hearings and individuals who wish to speak may register in advance by calling or writing to: Dr. Albert V. de Leon, Executive Director, Council on Asian-Pacific Minnesotans, Summit National Bank Building, 205 Aurora Avenue, Suite 100, Saint Paul, Minnesota 55103. (612) 296-0538. Written comments will be accepted until June 30, 1986.

Department of Education Instructional Effectiveness Division

Notice of Public Hearings on Public Law 94-142 State Plan and Preschool Incentive Plan for Fiscal Year 1987

Notice is hereby given that the Department of Education, Special Education Section seeks public comment through two public hearings on its Public Law 94-142 State Plan and Preschool Incentive Plan for fiscal year 1987. The Department proposes to incorporate its 1984-86 State Plans into each of the respective 1987 plans and amend its definition of "speech impaired" to include "language impaired", as required by Public Law 89-199.

Minnesota was monitored by the Federal Office of Special Education and Rehabilitation Services in July, 1985. The State may therefore submit one year plans for fiscal year 1987 and incorporate the 1984-86 Plan by reference if there are no substantive amendments. By March 1, 1987, the State must develop, seek public participation, and submit complete three year State Plans for fiscal years 1988-1990.

Notice is hereby given that a full, intact Public Law 94-142 State Plan for fiscal year 1987 is available for public inspection and written and oral comments will be received at the two public hearings noted below:

Room 716B
Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Date: May 20, 1986
Time: 8:30 A.M.-11:30 A.M.

LaPaz Room
Sheraton Northwest
194 & U.S. 169
Brooklyn Park, MN 55428
Date: May 20, 1986
Time: 1:00 P.M.-4:00 P.M.

For further information, contact Norena A. Hale at 612/296-1793 or Darl Laffrenzen at 612/296-4831.

Department of Energy and Economic Development Energy Division

Notice of Intent to Solicit Outside Opinion Regarding Amendments to Minimum Energy Standards

Notice is hereby given that the State Department of Energy and Economic Development is seeking information or opinions from sources outside the Agency in preparing to amend existing rules governing energy efficiency standards and energy audits for existing rental housing, Minn. Rule Chapter 4170. The adoption of these rules is authorized by Minnesota Statutes 116J.27, subd. 1 and 3, which require the Department to establish minimum energy efficiency standards and energy audits for existing rental housing.

The State Department of Energy and Economic Development requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to: Greg Hubinger, Energy Division, Department of Energy and Economic Development, 900 American Center Building, 150 E. Kellogg Blvd., St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 297-2117, and in person at the above address.

All statements of information shall be accepted until June 12, 1986. Any written material received by the Department of Energy and Economic Development shall become part of the rulemaking record in the event that the rules are adopted.

25 April 1986

Mark B. Dayton
Commissioner

OFFICIAL NOTICES

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations in May

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Jay Kiedrowski, announced today that the maximum interest rate for municipal obligations in the month of May would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

22 April 1986

Peter Sausen, Assistant Commissioner
Cash and Debt Management

Teachers Retirement Association

Notice of Board of Trustees Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, May 29, 1986, at 1:30 p.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the Board.

Department of Transportation

Meeting of the State Aid Standard Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standard Variance Committee who will conduct a meeting on Thursday, May 8, 1986, at 9:30 A.M. in Room 411 State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 47k.705.

The purpose of the open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations § 8820.3400, Subp. 3 adopted pursuant to Minnesota Statutes 161 and 162.

The agenda will be limited to these questions.

1. Petition of the City of St. Paul for a variance from standards for design speed and street width on Municipal State Aid Street 231 (Snelling Avenue) from Edgcumbe Road to West Seventh Street.
2. Petition of the City of Mendota Heights for a variance from standards for design speed on Municipal State Aid Street 108 (Chippewa Avenue) from Dodd Road to Annapolis Street.
3. Petition of the County of Otter Tail for a variance from standards for design speed on County State Aid Highway 35 from County State Aid Highway 82 at Dalton, Minnesota to 2.7 Miles South of Underwood, Minnesota.
4. Petition of the City of Spring Lake Park for a variance from Rule so as to permit the City to request maintenance monies for 1986 after the established date for such a request.

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee.

9:30 A.M.	City of St. Paul
10:00 A.M.	City of Mendota Heights
10:30 A.M.	County of Otter Tail
11:00 A.M.	City of Spring Lake Park

29 April 1986

Richard P. Braun
Commissioner of Transportation

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 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

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Playground Equipment	May 6, 1986	State Academy for the Deaf	Faribault	37-001-10821
Lockers	May 6, 1986	Mesabi Community College	Virginia	27-000-48463
Purchase of Microcomputers	May 6, 1986	Minneapolis Community College	Minneapolis	27-151-47336
Purchase of Photocopy Machine	May 6, 1986	Iron Range Resources Rehabilitation Board	Eveleth	43-000-06712
Full Pneumatic Systems Maint. Service Contract for Duluth Government Service Center	May 6, 1986	Administration—Plant Management	Duluth Government Ctr.	02-306-51000
MN Supplement to Uniform Traffic Control Devices	May 6, 1986	Transportation	St. Paul	79-000-52454-7074
Purchase of Photocopy Machine	May 6, 1986	Mankato State University	Mankato	Rebid 26-071-16348
Electronic Key System	May 7, 1986	Transportation	St. Paul	79-000-52632
A Complete Line of Ball & Roller Bearings	May 7, 1986	Various	Various	Price-Contract-Rebid
Office Chairs—Rebid	May 7, 1986	Correctional Facility	Shakopee	02-310-14538
Telephone System	May 7, 1986	North Hennepin Community College	Minneapolis	02-430-47194
Furnish & Install Sump Pump	May 8, 1986	Rochester Community College	Rochester	27-000-48144
Practitioner Invoice	May 9, 1986	Human Services	St. Paul	55-000-93921-7541
Natural Areas MN Special Treasures	May 9, 1986	Natural Resources	St. Paul	29-000-43728-7611
Mobile Radios Rebid	May 9, 1986	Transportation	Various	29-002-11714
Ready Mix Concrete—Virginia	May 12, 1986	Transportation	Virginia	79-150-RM
Automated Power File—Rebid	May 12, 1986	Natural Resources	St. Paul	29-000-43245
Purchase of VT 230 Terminal	May 12, 1986	Transportation	St. Paul	79-000-52530
Industrial Open Space Modular Office System	May 12, 1986	Correctional Facility	Shakopee	02-310-14632 Rebid
Van Modification—Rebid	May 12, 1986	Vocational Rehabilitation	Pick-up	21-603-38288
Meat & Meat Products for the Month of June 1986	May 12, 1986	Various	Various	Various-Sch. 4
Lettering Machine Supplies Kroy 80 electric & manual	May 12, 1986	All State Agencies	Various	Price-Contract

STATE CONTRACTS

<u>Commodity for Bid</u>	<u>Bid Closing Date at 2 pm</u>	<u>Department or Division</u>	<u>Delivery Point</u>	<u>Requisition #</u>
Liability Insurance for Minnesota Youth Firearm Safety Training Program	May 12, 1986	Natural Resources	St. Paul	29-000-43721
Propylene Glycol	May 12, 1986	Moorhead State University	Moorhead	26-072-09674
Replacement Parts for Wollensak Units	May 12, 1986	Jobs and Training	St. Paul	21-700-12319

Department of Administration Information Management Bureau

Notice of Availability of Contract for Backup Computer Programming

The Information Management Bureau (IMB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide backup computer programming services to be used by the Bureau on an as needed basis. This will involve basic computer programming activities such as requirements definition, subsystem design, coding, testing, documentation, etc. This may involve backup assistance to a staff programmer of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on projects IMB does for any of the State agencies. The total amount expended for this activity will not exceed \$1,000,000 for fiscal year 1987 (i.e., July 1, 1986, through June 30, 1987).

The full text of the Request for Proposal is available on request. Inquiries and responses must be directed to:

Susan C. Rose, Director
Information Systems Development Division
Information Management Bureau
658 Cedar Street, Centennial Office Building
St. Paul, MN 55155
(612) 296-6391

Responses must be received no later than 4 p.m. on May 23, 1986.

Department of Transportation Information Management Bureau

Notice of Availability of Contract for Back-up Systems Analysis

The Information Management Bureau (IMB), Department of Administration, for the state of Minnesota, is requesting a proposal from qualified firms to provide back-up systems analysis services to be used by the Bureau on an as-needed basis. This will involve basic systems analysis activities such as requirements definition, feasibility studies, system design, etc. This may involve back-up assistance to a staff analyst of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on projects IMB does for any of the State agencies. The total amount expended for this activity will not exceed \$300,000.00 for fiscal year 1987, (i.e., July 1, 1986 through June 30, 1987).

The full text of the Request for Proposal is available on request. Inquiries and responses must be directed to:

Susan C. Rose, Director
Information Systems Development Division
Information Management Bureau
658 Cedar Street, Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-6391

Responses must be received no later than 4 p.m. on May 23, 1986.

Department of Administration Employee Assistance Program

Request for Proposals to Provide Diagnostic and Referral Services for the State Employee Assistance Program

Notice is hereby given that the Department of Administration intends to engage the services of a contractor in each of the following areas to provide diagnostic and referral services for State employees and their dependents: Bemidji, Brainerd, Cambridge, Crookston, Detroit Lakes, Duluth, Faribault/Owatonna, Fergus Falls, Grand Rapids, Mankato, Marshall, Moorhead, Morris, Rochester, St. Cloud, Virginia/Range, Willmar, and Winona.

Contractors shall be expected to maintain full-staffed offices in each of the locations indicated to provide five-day-per-week service to clients.

Contractors also will be mandated to use a percentage of the amounts for local outreach activities, subject to approval by the program office.

The estimated amount of the contract in each of these areas will not exceed \$4,000. Responses must be received by May 19, 1986.

Direct inquiries to:

Keith Tvedten
Director
State Employee Assistance Program
Suite 200, Summit National Bank Building
205 Aurora Avenue
St. Paul, Minnesota 55103
(612) 296-0765

Department of Commerce

Request for Proposals for Services to Be Provided on Behalf of the Commissioner of the Department of Commerce to the Minnesota Joint Underwriting Association by a Firm Qualified to Act As Administrator

The Commissioner of the Department of Commerce intends to select and contract with a licensed insurer or vendor of management services pursuant to Senate File 2078. The contract term will be for a three-year period to commence as soon as reasonably possible after the submission deadline. Interested parties should obtain the formal Request for Proposals from:

Ms. Rose M. Ortiz
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 297-4017

Proposals must be submitted by 4:30 P.M., May 30, 1986. No proposal received after the deadline will be considered.

Department of Corrections St. Cloud Correctional Facility

Request for Proposals for Orthopedic Services Including On-site Consultation and Same-day Clinic Procedures

Contract for a one-year period beginning July 1, 1986. Estimated annual value of contract is \$20,000. For further information, contact David Ek, Business Manager, MCF-St. Cloud, Box B, St. Cloud, MN 56302. R.F.P.'s should be submitted to the above address no later than May 16, 1986.

Higher Education Coordinating

Request for Proposal for Financial Consultant to Assist in Developing Financial Offerings to Fund Student Loan Programs Administered by the Higher Education Coordinating Board

The Minnesota Higher Education Coordinating Board (MHECB) has legislatively mandated responsibility in the area of post-secondary education. This project will focus on the financing of the student loan programs administered by the MHECB. This project will be to provide financial consultative services on the developing of financing offerings to provide funding for the loan programs and to provide other financial services, as requested, relative to the funding and operation of the loan programs. The contract emanating from this proposal will be for fiscal years 1987, 1988, and 1989.

This request for proposal does not obligate the MHECB to complete this project and the MHECB reserves the right to cancel the solicitation if it is considered to in its best interest.

It is estimated that the total cost of this proposal will exceed \$15,000 per fiscal year.

For further information and formal RFP documents, contact Administrative Services, Higher Education Coordinating Board, Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-9696.

The deadline for receipt of proposals in 4:30 PM, Friday May 30, 1986.

Minnesota Historical Society

Request for Proposals for the Fabrication and Installation of an Exhibit at the Split Rock Lighthouse Visitor Center

1. BIDS

Sealed proposals for the fabrication and installation of an exhibit at the Split Rock Lighthouse Visitor Center in accordance with the plans and specifications prepared by the Minnesota Historical Society will be received until 2:00 p.m., May 19, 1986, in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101. The bids will be publicly opened and read aloud. Bids received after 2:00 p.m., May 19, 1986, will be returned unopened.

2. BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or bidder's bond, acceptable to the Owner, in amount equal to 5 percent of the proposal, payable without condition to the Minnesota Historical Society, as a guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the proposal and will furnish the required bond.

3. PLANS AND SPECIFICATIONS

Copies of the Contract Documents in complete sets will be available for public inspection at the Fort Snelling History Center, St. Paul, MN 55111.

Copies of the Contract Documents for use by contractors submitting a bid may be obtained from the Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 upon deposit of \$25.00. Checks are to be made out to the Minnesota Historical Society. Deposits will be returned to bidders who submit a competitive bid and who return Contract Documents in good condition within ten (10) days following the receipt of bids.

4. CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. Once submitted, bids may not be withdrawn.

All bidders are encouraged to investigate the use of socially and economically disadvantaged firms as subcontractors on this project.

Mark O. Schwartz
Contract Officer

Department of Human Services Long Term Care Management Division

Request for Proposals to Evaluate the Home and Community-Based Waiver for the Elderly

This request is for proposals to do an independent assessment of Minnesota's Section 2176 Home and Community-Based Services Waiver for the elderly as required by federal regulations (42 CFR 411.303) (g) and to make recommendations to the Department of Human Services to improve program effectiveness. The assessment must evaluate the quality of care provided, access to care, and cost effectiveness of the waiver.

This request for proposals does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The estimated cost of this project is not to exceed \$25,000. The project must evaluate the first 24 months of the waiver extension (from July 1, 1986 through June 1987) on a statewide basis. The final written evaluation must be submitted to the Long Term Care Management Division no later than June 2, 1986. Three copies of the proposal must be submitted and sealed in a mailing envelope or package with the responders' name and address clearly marked on the outside.

Each copy of the proposal must be signed by an authorized member of the firm or person making the bid. Prices and terms of the proposal as stated by the respondent must be valid for the length of the project.

For a copy of a more detailed explanation of this request for proposals, contact:

Rosemary Chapin
Long Term Care Management Division
Minnesota Department of Human Services
6th Floor, Space Center
444 Lafayette Road
St. Paul, MN 55101
612/297-4670

Department of Human Services St. Peter Regional Treatment Center

Notice of Request for Proposal for Medical Services

Notice is hereby given that the St. Peter Regional Treatment Center, residential Facilities Administration, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contracts will be written for the period July 1, 1986 thru June 30, 1987.

1. Services of five psychiatrists to serve the needs of the mentally ill and dangerous. Estimated amounts of contracts vary from \$10,200.00 to \$20,400.00.

Responses must be received by May 26, 1986. Direct inquiries to:

Tom Bolstad
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phones: 507 931 7116

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.

Department of Energy and Economic Development Community Development Division

Notice of Availability of Juvenile Justice Grants

The Minnesota Juvenile Justice Advisory Committee announces the availability of \$324,675 for Juvenile Justice Grants, continuing upon the receipt of the federal award from the U.S. Department of Justice. Funds are available in the following areas:

- Prevention
- Preadjudication Alternatives
- Postadjudication Alternatives
- Training

Funds will be available from the total award for a mini-grant program in the areas of prevention and training to begin October 1, 1986 and end September 30, 1987. Mini-grant applications in the prevention area may request up to \$2,000 per application. Mini-grant applications in the training area may request up to \$1,000 per application. Mini-grant applications will be accepted on a one-time basis.

The balance of the award will be available for projects that meet the requirements stated in the Multi-Year Action Plan. The projects must begin by October 1, 1985 but applicants may request funds for up to fifteen months. The fifteen-month cycle would provide Grantees an opportunity to be included in the local budget process.

Applications for the regular grant and mini-grant programs must be received no later than July 3, 1986. Please indicate whether you are interested in the regular grant program or the mini-grant program when requesting application materials.

The Juvenile Justice Advisory Committee will award the grants in September for an October 1, 1986 start-up date.

Application forms, the Multi-Year Action Plan, and other programs information can be obtained by contacting:

Steve Gustafson
Justice Grant Program
Community Development Division
9th Floor, American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-8243

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court Regular Division

Decisions Filed 21 April 1986

File No. 99326 Estate of Herman Mueller, petitioner, vs. State of Minnesota, County of Dakota, Respondent.

The above-entitled matter was submitted to the Honorable Earl B. Gustafson, Judge of the Minnesota Tax Court, for decision on a Stipulation of Facts and written briefs.

Reid J. Hansen, Attorney at Law, appeared for petitioner.

Kenneth A. Malvey, Assistant Dakota County Attorney, appeared for respondent.

The Court, having considered the files and records herein, now makes the following:

FINDINGS OF FACT

1. The petitioner has sufficient interest in the property to maintain its petition; all statutory and jurisdictional requirements have been complied with, and the Court has jurisdiction over the subject matter of the action and the parties hereto.

2. The petitioner owns the following described property situated in the County of Dakota, State of Minnesota:

(a) The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 27, Range 23 in Dakota County, Minnesota, except the following described parcels:

(i) The East 260 feet of the West 1,122 feet of the South 368 feet, and except the East 135 feet of the West 1,257 feet of the South 645 feet thereof,

(ii) The East 157 feet of the West 1,122 feet of the North 277 feet of the South 645 feet thereof, subject to highway easements over the West 12.5 feet thereof; and also,

(b) The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 14, Township 27, Range 23 except the East 214.5 feet thereof, subject to a highway easement running over the South 50 feet thereof,

Tax Parcels No. 10-01400-010-77 and No. 10-01400-010-81.

3. The above-described property consists of approximately 52 acres, of which approximately 15 acres are tillable and approximately 10 acres are untillable pasture land. The remainder of the property consists of woodland. The property is improved with an old farm residence.

4. Since prior to 1971, the above-described property has been entitled to and enjoyed the benefits of taxation under Minn. Stat. § 237.11 (Green Acres Law).

5. In 1984, the 15 tillable acres were farmed by a farmer who paid the Estate of Herman Mueller the sum of \$225.00. The total production income derived by the farmer from the 15 tillable acres exceeded the income requirements of Minn. Stat. § 273.111, subd. 6.

6. In 1984, the remainder of the property, including the old farm residence and the pasture land, were leased by the Estate of Herman Mueller for the sum of \$250.00 per month. The renters of the farm residence and pasture land raised several cows upon the pasture lands.

7. Dakota County, by and through the Office of the Dakota County Assessor, advised petitioner on or about October 15, 1984, that the above-described property no longer qualified for tax treatment under Minn. Stat. § 273.111 because the income requirement for the property had not been met.

8. The decision of the Dakota County Assessor to deny the Estate of Herman Mueller "Green Acres" treatment for its land has resulted in a demand by Dakota County for deferred taxes in the amount of \$6,666.28 and deferred special assessments of \$22,852.80.

9. The annual rental income paid to petitioner and attributable to the land used by the tenants to raise livestock was \$300.

10. The total annual rental income attributable to "production income" under Minn. Stat. § 273.111 was \$525.

CONCLUSIONS OF LAW

1. The subject property generates sufficient "production income" to qualify for continued "Green Acres" classification under Minn. Stat. § 273.111.

2. The respondent, County of Dakota, should grant the subject property "Green Acres" classification and recompute taxes accordingly.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

21 April 1986.

BY THE COURT,
Earl B. Gustafson, Judge
Minnesota Tax Court

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