

86, July 7

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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VOLUME 11, NUMBER 1

Pages 1-24

STATE REGISTER

Volume 11 Printing Schedule and Submission Deadlines

| Vol. 11 Issue Number | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date |
|----------------------------|---|--|----------------|
| 1 | Friday 20 June | Friday 27 June | Monday 7 July |
| 2 | Friday 27 June | Monday 7 July | Monday 14 July |
| 3 | Monday 7 July | Monday 14 July | Monday 21 July |
| 4 | Monday 14 July | Monday 21 July | Monday 28 July |

*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 State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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

SENATE

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

Perspectives—Publication about the Senate.

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Contact: Senate Public Information Office
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(612) 296-0504

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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.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

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

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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:

- 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 requested by an agency.)
- 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 are included in a supplement published 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:

| | |
|-------------------------------|-------------------------------|
| Issues 1-13, inclusive | Issue 39, cumulative for 1-39 |
| Issues 14-25, inclusive | Issues 40-51, inclusive |
| Issue 26, cumulative for 1-26 | Issue 52, cumulative for 1-52 |
| Issues 27-38, inclusive | |

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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EXECUTIVE ORDERS

Executive Order No. 86-4

Providing for Assistance to Officials of Carlton County, Minnesota

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

Whereas, the Sheriff of Carlton County has requested assistance in the search for and rescue of a lost five year old boy; and

Whereas, the size and terrain of the search area are beyond the capabilities of local rescue resources;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota to order to active duty on or after June 16, 1986, in service of the State, such elements and equipment of the military forces of the State as required and for such period of time necessary to insure the safety of our citizens.

2. Cost of subsistence, transportation, fuel and pay and allowances of said individuals shall be defrayed from the General Fund of the State as provided for by Minnesota Statutes, Section 192.49, Subdivision 1, Section 192.51 and Section 192.52.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective retroactive to June 16, 1986, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF I have set my hand this 18th day of June, 1986.



Rudy Perpich
Governor

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.

Housing Finance Agency

Adopted Rules Relating to Homeownership Assistance Fund Tax Reform Transition Demonstration Program

The rules proposed and published at *State Register*, Volume 10, Number 41, pages 2053-2056, April 7, 1986 (10 S.R. 2053) are adopted as proposed.

Housing Finance Agency

Adopted Rule Relating to Income Limits for Tax Reform Transition Demonstration Program

The rule proposed and published at *State Register*, Volume 10, Number 41, pages 2077-2078, April 7, 1986 (10 S.R. 2077) is adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Governing the Manufacture, Storage, and Use of Explosives and Blasting Agents

The rule proposed and published at *State Register*, Volume 10, Number 25, pages 1364-1378, December 16, 1985 (10 S.R. 1364) is adopted with the following modifications:

Rules as Adopted

7500.0100 DEFINITIONS.

Subp. 3. **Blasting agent.** "Blasting agent" means a material or mixture ~~intended for blasting~~; that consists of a fuel and oxidizer; that is intended for blasting but is not otherwise classified defined as an explosive; has no ingredient classified as an explosive; and that, as a finished product mixed and packaged for use or shipment, cannot be detonated by means of a number 8 test blasting cap, as defined in subpart 9b 9a, when unconfined.

Subp. 4a. **Detonator.** "Detonator" means a device containing a detonating charge that is used for initiating detonation in an explosive. The term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

Subp. 5. **Explosive-actuated device.** "Explosive-actuated device" means a tool or special mechanized device that is actuated by explosives. Examples of explosive-actuated power devices are jet ~~trappers~~ tappers and jet perforators. This term does not include propellant-actuated power devices.

Subp. 6. **Explosives.** "Explosives" means a chemical compound, mixture, or device ~~primarily and commonly used to create an, the primary or common purpose of which is to function by explosion or having a substantially instantaneous release of gas and heat.~~

~~A chemical compound, mixture, or device that is otherwise specifically classified by the Department of Transportation is not an explosive.~~

~~The term "explosives" includes materials classified as class A, class B, and class C explosives by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), including dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse lighters, fuse igniters, squibs, detonating cords, instanta-~~

neous fuses, igniter cords, igniters, small arms ammunition, small arms ammunition primers, smokeless propellants, cartridges for propellant-actuated power devices, cartridges for industrial guns, and some special fireworks.

Commercial explosives are explosives intended to be used in commercial or industrial operations.

Certain chemicals and certain fuel materials may have explosive characteristics not specifically classified by the Department of Transportation and not readily classified for coverage in the code parts cited above. Authoritative information must be obtained for these unclassified materials and action commensurate with their hazards, locations, isolation, and safeguards, must be taken. The Department of Transportation classifies explosives as follows:

A. Class A explosives possess a detonating or otherwise maximum hazard. Examples of class A explosives are dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, blasting caps, and detonating primers.

B. Class B explosives possess a flammable hazard. Examples of class B explosives are propellant explosives, including some smokeless propellants; photographic flash powders; black powder; and some special fireworks.

C. Class C explosives include certain types of manufactured articles that contain class A explosives, class B explosives, or both, as components but in restricted quantities.

D. Forbidden or not acceptable explosives are forbidden or not acceptable for transportation by common carriers, rail freight, rail express, highway, or water in accordance with the regulations of the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983). The term includes dynamite and other high explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

For purposes of this subpart, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

A. High explosives are explosive materials that can be caused to detonate by means of a blasting cap when unconfined; for example, dynamite.

B. Low explosives are explosive materials that can be caused to deflagrate when confined, for example: black powder, safety fuses, igniters, igniter cord, fuse lighters, and special fireworks defined as class B explosives by United States Department of Transportation regulations in Code of Federal Regulations, title 49, part 173.

C. Blasting agents include, for example, ammonium nitrate-fuel oil and certain water gels.

Subp. 9a. Nitrocarbonitrate. The term "nitrocarbonitrate" means a blasting agent classified as nitrocarbonitrate under the Department of Transportation regulations published in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and packaged and shipped in compliance with those regulations.

Subp. 9b. Number 8 test blasting cap. A "number 8 test blasting cap" means a cap containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

Subp. 9e. 9b. Passenger vehicle. "Passenger vehicle" means a motor vehicle designed and used to carry not more than ten persons and includes a passenger automobile, station wagon, pickup truck, and van as they are defined in Minnesota Statutes, section 168.011.

Subp. 9d. 9c. Permit. "Permit" refers to an application for a user permit, approved and issued by sheriffs or chiefs of police of cities of the first, second, or third class, as defined in Minnesota Statutes, section 410.01, or other person designated by the commissioner.

Subp. 23. Water gel gels or slurry explosive slurries. "Water gel gels or slurry explosive slurries" includes a wide variety of are explosive materials used for blasting, all of which that contain substantial proportions portions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those that are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and those that contain no ingredient classified as an explosive, that are sensitized with metals such as aluminum or other, oxidizers, sensitizers, fuels, thickeners, gelling agents, or cross-linking agents. Water gels They may be premixed at an explosives a manufacturing plant or mixed at the site immediately before delivery into the bore hole borehole. Sensitivity and classification are covered under part 7500.3100.

7500.0550 EXPLOSIVES DEALER LICENSE.

Subp. 2. Fees. The annual fee for a new or renewed license is \$10. However, the commissioner shall not charge a government subdivision a fee for either a new or a renewed license.

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

~~Subp. 3.~~ **License renewal.** One month before a license is due to expire the commissioner shall notify the licensee of the expiration date. ~~The commissioner shall renew a license upon receipt of the \$10 renewal fee from the licensee.~~

Subp. ~~4.~~ **3. License suspension or revocation.** The commissioner shall suspend or revoke a license if an applicant or a licensee:

- A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;
- B. violates the provisions of this chapter pertaining to explosives;
- C. uses an explosive in the commission of a crime; or
- D. makes a false statement on a license application form.

Subp. ~~5.~~ **4. Person prohibited from holding license.** If an applicant or licensee becomes a person prohibited from holding a license as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. ~~6.~~ **5. Right to contest decision.** An applicant or licensee has the right to contest a decision made by the commissioner. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69.

7500.0560 EXPLOSIVES USER PERMIT.

Subp. **2. Duties of issuing authority.** If the applicant obtains a permit from an issuing authority of a jurisdiction other than where the explosives will be used or stored, the issuing authority:

A. before issuing the permit, shall confer with the authority where the explosives are to be used or stored;

B. shall forward a copy of the permit, as soon as it is issued, to the sheriff or chief of police of the jurisdiction where the explosives will be used or stored;

~~B. may charge the applicant a fee not to exceed \$25 when another jurisdiction must be notified of the use or storage of explosives;~~

7500.0600 PROHIBITIONS AGAINST EXPLOSIVES MANUFACTURING.

Subpart 1. **Authorization required.** The manufacture of an explosive or explosive device, including small arms ammunition, ~~pyrotechnics,~~ and blasting agents, is prohibited unless the manufacturer is licensed by the commissioner. This prohibition does not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

7500.0700 PROHIBITIONS; EXCEPTIONS.

Subp. **6. Laboratory use permitted.** Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may keep, store, and use explosives or blasting agents:

A. if they are used for scientific or technical instruction or research;

B. only under experienced and competent supervision; ~~and~~

C. if no more than 15 pounds of explosives (exclusive of small arms ammunition, small arms ammunition primers, and smokeless propellants) or blasting agents are kept on hand at any time; and

D. if in compliance with Code of Federal Regulations, title 27, sections 55.203 to 55.217 (1982).

When additional quantities of explosives or blasting agents are required, the institution shall apply for a special ruling by the commissioner.

7500.0800 STORAGE OF EXPLOSIVES IN MAGAZINES.

Subpart 1. **General requirement.** ~~Class A, class B, and class C~~ High explosives, low explosives, blasting agents, special industrial explosives, and newly developed and unclassified explosives must be kept in magazines that meet the requirements of this part.

Subp. **2. ~~Caps~~ Detonators, primers, cartridges; separated storage.** ~~Blasting caps, electric blasting caps~~ Detonators, detonating primers, and primed cartridges must not be stored in the same magazine with other explosives.

7500.1200 USE OF EXPLOSIVES; PRECAUTIONS.

Subp. **5. General precautions.** Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including warning signals, flags, barricades, or ~~woven wire~~ mats to ensure the safety of the general public and workers.

7500.1500 INITIATION OF EXPLOSIVES CHARGES.

Subpart 1. **Electric blasting ~~caps~~ detonators.** Only electric blasting ~~caps~~ detonators may be used for blasting operations in

congested districts, in highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make this use dangerous.

Subp. 2. **Using fuses.** When a fuse is used, the blasting ~~exp~~ detonator must be securely attached to the safety fuse with a standard ring-type ~~exp~~ detonator crimper. Primers may only be assembled at least 50 feet from any magazine.

Subp. 4. **Inserting ~~cap~~ detonator into explosive.** A blasting ~~exp~~ detonator must not be inserted in the explosives unless a hole is first made in the cartridge for the ~~exp~~ detonator with an approved punch of proper size or standard ~~exp~~ detonator crimper.

Subp. 6. **Misfires.** If a misfire occurs while using a ~~exp~~ detonator and a fuse or an electric blasting ~~exp~~ detonator, all persons shall remain away from the charge for at least 30 minutes. A misfire may be handled only under the direction of the person in charge of the blasting, the wires must be carefully traced, and a search must be made for unexploded charges.

7500.1800 SALE AND DISPOSITION OF EXPLOSIVES.

Subpart 1. **Prohibitions; scope.** ~~Class A, class B, and class C~~ Explosives and blasting agents, special industrial explosives, and newly developed and unclassified explosives must not be sold or transferred in this state except as provided in items A to D. This part does not apply to the following commodities and items:

A. stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers, and smokeless propellants;

B. and C. [Unchanged.]

D. safety fuses not including detonating cords and 3/32-inch cannon fuses or matchlock fuses (slow match).

7500.2100 JURISDICTION OF FEDERAL BUREAU OF MINES.

The commissioner may exempt a person from the requirements for storage facilities in parts 7500.0700, 7500.0800, and 7500.1300 if the person is within the jurisdiction of the Federal Bureau of Mines and the commissioner deems that parts 7500.0700, 7500.0800, and 7500.1300 are in conflict with Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982). The commissioner may revoke an exemption ~~at any time if a person violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives.~~ For granting or revoking an exemption or for any other purpose, the commissioner may inspect at any time the premises and facilities of a person seeking an exemption.

7500.2700 STORAGE OF BLASTING AGENTS AND SUPPLIES.

Subp. 1a. **Storage apart from explosives.** When blasting agents are stored entirely apart from explosives, they must be stored as provided in part 7500.0800, ~~or in one-story warehouses without basements. The warehouses must be noncombustible or fire-resistant, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business governing the storage of explosives.~~

7500.3100 PREMIXED WATER GELS.

Premixed water gels ~~containing a substance classified as an explosive must be classified as an explosive in accordance with United States Code, title 18, chapter 40, section 841(e) (1984), and manufactured, stored, and used as specified for explosives.~~

Premixed water gels that contain no substance classified as an explosive in United States Code, title 18, chapter 40, section 841(e) (1984), and that are cap-sensitive as defined in part 7500.0100, subpart 3, must be classified as an explosive and manufactured, stored, and used as specified for explosives.

Premixed water gels that do not contain a substance classified as an explosive in United States Code, title 18, chapter 40, section 841(e) (1984), and that are not cap-sensitive as defined in part 7500.0100, subpart 3, must be classified as blasting agents and manufactured, stored, and used as specified for blasting agents.

7500.3200 ON-SITE-MIXED WATER GELS.

Subpart 1. [See Repealer.]

Subp. 2. **Classified and nonclassified ingredients.** Ingredients classified as ~~class A or class B~~ high explosives, low explosives, or blasting agents must be stored in conformity with part 7500.0800. Ingredients, other than ammonium nitrate, not themselves classified as explosives, must be stored in noncombustible or fire-resistive warehouses.

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

7500.3400 SMALL ARMS AMMUNITION.

Subp. 3. **Separate storage.** Small arms ammunition must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Small arms ammunition must not be stored together with ~~class A or class B~~ explosives as defined by ~~Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) or~~ blasting agents, unless the storage facility is adequate as described in Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982).

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 Agriculture—Food Inspection

Outside Opinion Sought Regarding Proposed Rules Governing Sale of Smoked Fish

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose amendments to rules governing processing procedures for smoked fish sold in Minnesota (Minnesota Rules pts. 1545.3180-1545.3260). The proposed amendments will affect the sale of cold smoked fish in Minnesota. The adoption of these rules is authorized by M.S. sec. 28A.10, which allows the department to adopt rules as necessary to carry out provisions of the Minnesota consolidated food licensing law.

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

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and comment must be received by August 15, 1986. Any written material received by the Department shall become part of the rulemaking record.

27 June 1986

Jim Nichols, Commissioner
Department of Agriculture

Department of Commerce—Minnesota Joint Underwriting Association

Notice of Activation to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to Minnesota Statutes, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- grain buyers licensed pursuant to Minnesota Statutes, section 223.17
- public grain warehouse operators licensed pursuant to Minnesota Statutes, section 232.22
- businesses engaged in the research and development and manufacture of components and products in the electronics or information technology industries

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, in Room 5, State Office Building, 435 Park Street, St. Paul, Minnesota 55155, on August 12, 1986 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by Minnesota Statute Section 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, as amended (Amended Rules published at 9 SR.2276). Questions regarding procedure may be directed to Administrative Law Judge George Beck, 4th Floor Summit Bank Building, 310 4th Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. The authority for this proceeding is found in Chapter 455 Laws of Minnesota 1986 codified as Chapter 62I of Minnesota Statutes specifically sections 40 and 41 of Chapter 455 codified as Minnesota Statutes 62I.21 and 62I.22 (A copy of those sections follows this notice.)

Chapter 455 Laws of Minnesota 1986 which created the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 455 and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administration Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (Minnesota Rules 1400.5100-1400.8400).

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statute Section 10A.01, subdivision 11 as an individual:

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

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

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

Dated: 26 June 1986

Michael A. Hatch
Commissioner of Commerce

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.

OFFICIAL NOTICES

Sec. 40 [62L.21] [ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.]

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the state register activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 41. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

Sec. 41. [62L.22] [HEARING.]

Subdivision 1. [ADMINISTRATIVE LAW JUDGE.] The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and the administrative law judge assigned to hear the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. [NOTICE.] The commissioner of commerce shall publish notice of the hearing in the State Register at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required.

Subd. 3. [CONTESTED CASE; REPORT.] The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. [DECISION.] The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. [WAIVER OR MODIFICATION.] If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Energy and Economic Development Authority

Public Hearing on Proposed Project and the Issuance of Bonds under Minnesota Statutes, Section 116M.01 to Section 116M.13, Inclusive

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority") or its designated representative, shall meet on July 23, 1986, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, inclusive, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Landscape Structures, Inc. (the "Company"), a Minnesota corporation. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the purchase of certain existing facilities and the addition thereto of 31,500 square feet of production/warehouse space for use in connection with the Company's business operations in the designing and manufacturing of park and recreation equipment to be located in the City of Delano, Wright County, Minnesota (street address: Route 3, 601 Seventh Street South in the City of Delano, Wright County, Minnesota) (the "Project"). The initial owner, operator and manager of the Project will be the Company. The estimated maximum amount of the proposed bond issue is an amount equal to \$1,750,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota from the date of this notice to the

date of the public hearing hereinabove identified, during normal business hours.

Dated: 27 June 1986.

BY ORDER OF THE MEMBERS OF THE
MINNESOTA ENERGY AND ECONOMIC
DEVELOPMENT AUTHORITY

Mark Dayton, Commissioner
Department of Energy and Economic Development,
and Chairman, Energy and Economic Development Authority

Department of Energy and Economic Development Business Financial Management Division

Tax Exempt Financing Issuance Authority

Notice of Availability

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of June 30, 1986, is as follows:

Competitive Pool (Existing Law)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 13

Total Pool Available (Priority to Manufacturing Projects) \$288,922,800.

For:

Pollution Control/Waste Management Projects \$ 49,564,560.

Commercial Redevelopment Projects \$ 95,312,980.

Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to a-General Obligation Projects, b-Manufacturing Projects) \$284,741,237.

For:

Pollution Control/Waste Management Projects \$ 59,856,247.

Commercial Redevelopment/Multifamily Housing Projects \$101,008,432.

Qualified 501(c)(3) Bond Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 20

Total Pool Available \$ 45,725,000.

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 13, Subd. 2, Section 19, Subd. 2, Section 20, Subd. 3, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Department of Finance

Maximum Interest Rate for Municipal Obligations for July

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 July 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.

Dated: 30 June 1986

Peter Sausen, Assistant Commissioner
Cash and Debt Management
Department of Finance

Department of Human Services—Long Term Care Management Request for Comment on Proposed Sliding Fee Schedule for Alternative Care Grants Program

Under the Alternative Care Grants Program, the Commissioner of the Department of Human Services provides grants to counties to pay costs of providing alternatives to nursing home care for eligible individuals.

Minnesota Statutes, section 256B.091 requires the Commissioner to establish a sliding fee schedule for requiring payment for the cost of providing care to persons who are eligible for Alternative Care Grants but who are not yet eligible for Medical Assistance. The sliding fee schedule is not subject to *Minnesota Statutes*, Chapter 14.

Interested persons may submit comments on the proposed sliding fee schedule until August 4, 1986. The proposed schedule may be changed based upon the comments received. Submit comments to:

Barbara Colliander
Department of Human Services
Long Term Care Management Division
Space Center Building—6th Floor
444 Lafayette Road
St. Paul, Minnesota 55101

Below is the proposed sliding fee schedule for the Alternative Care Grants (ACG) Program.

The county agency shall assess the person who would be eligible for Medical Assistance within 180 days of nursing home admission, for part or all of the costs of alternative care services provided to that person.

The monthly amount which a person shall pay is the lesser of the amounts established under either of Exhibits 1 or 2 below.

Exhibit 1

Forty percent (40%) of estimated cost of Alternative Care Grant funded services provided to the person for the first month (30 days) rounded down to the nearest dollar.

Exhibit 2

Ten percent (10%) of the sum of the person's income and liquid assets as entered in items I.A and II.E. of the 180 Day Eligibility Worksheet (DHS-2630) divided by 6, rounded down to the nearest dollar.

Each person's fee is determined individually. Spouses income and resources are not added together. When two people in the same household are receiving Alternative Care Grant funded services, there may be two fees.

The monthly amount shall be calculated when alternative care services begin and shall remain constant until the six month reassessment. At the six month reassessment, the case manager will readjust the fee if the person's income and liquid assets or services costs have changed. At no time may the fee exceed the cost of services. The fee is waived at any time when the person becomes eligible for Medical Assistance or when the person's income is \$800 or less per month *and* has resources under the Medical Assistance \$3,000 limit.

The county agency may determine the cost to the county for billing a person each month. If the fee to be collected is below this amount, the county may choose to waive the fee.

The county agency shall report to the Department the income received from fees. The Department shall use this income to reduce the state and local liability for alternative care expenditures for the persons not eligible for Medical Assistance.

This fee schedule replaces that which was published in the September 30, 1985 issue of the *State Register*.

Soil and Water Conservation Board—Agriculture Department Notice of Change of Monthly Meeting Date

The Minnesota Soil and Water Conservation Board has changed the date of their regular monthly meeting day from the second Tuesday, to the third Wednesday of each month, effective September, 1986.

Department of Transportation

Request for Public Hearing on the Proposed Acquisition by the State of Minnesota, Department of Transportation of Abandoned Burlington Northern Railroad Company Railroad Right of Way for State Rail Bank Purposes between the Cities of Bemidji and International Falls, Minnesota by Fred Lahman, of Hines, Minnesota

Order for Hearing

IT IS HEREBY ORDERED, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on August 5, 1986 at 9:30 A.M. in the city Council Chambers, City Hall, 401 Minnesota Avenue, Bemidji, Minnesota.

The hearing will be held before Mr. Allan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415 (Telephone: 612-341-7609) an Administrative Law Judge appointed by the Chief Administrative Law Judge of the State of Minnesota. All parties have the right to be represented by an attorney, by themselves or by a person of their choice if not otherwise prohibited as the unauthorized practice of Law. The hearing will be conducted pursuant to the contested case procedures set out in Minnesota Statutes §§ 14.48 through 14.69, and Minnesota Rules, Parts 1400.5100 through 1400.8400, Office of Administrative Hearings, Contested Case Procedures. Questions concerning the issues raised in this Notice or concerning informal disposition or discovery may be directed to: Ms. Sherry A. Enzler, Special Assistant Attorney General, Office of the Attorney General, 515 Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-9628).

The Department's authority to hold this hearing and to take the action proposed is set out at Minn. Stat. § 222.63. The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 222.63, Subd. 3, and Minnesota Rules 1985, Parts 8830.5800 to 8830.5860, all parties and potential parties of interest are given an opportunity to be heard on the question of the proposed acquisition by the State of Minnesota, Department of Transportation of abandoned Burlington Northern Railroad Company railroad right of way for State Rail Bank purposes between the Cities of Bemidji and International Falls, Minnesota. The Bemidji to International Falls line is a section of the Brainerd to International Falls line abandoned on June 24, 1985. The rail line is approximately 104 miles long and is located in Beltrami, Itasca, and Koochiching Counties. The Department plans to acquire the entire section of the line. The identified future use for the line is for the re-establishment of rail freight service. The Department proposes to remove all track and structures from the property.

The request by Fred Lahman recites:

"I am requesting a public hearing on the abandonment of Burlington Northern Railroad from Bemidji to International Falls route. The sole purpose . . . so a clear liability can be established."

The known parties to this proceeding are Fred Lahman and co-petitioner, Marybelle Adams of Hines, Minnesota, the State of Minnesota, Department of Transportation, and the Burlington Northern Railroad Company.

Any person not named in this Notice of Hearing who desires to become a PARTY to this matter must submit a PETITION TO INTERVENE to the Administrative Law Judge pursuant to Minnesota Rules, part 1400.6200, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case or how the petitioner may be directly affected by the outcome. The petition must also set forth the grounds and purposes for which intervention is sought. The notice of intervention must be served upon this agency and all parties to the proceeding. The PETITION TO INTERVENE must be received not later than July 30, 1986.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for August 5, 1986, the Notice of Appearance form enclosed with this Notice must be completed and returned to the Administrative Law Judge within 20 days of the issuance of this Notice. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE BY OTHER PARTIES MAY BE TAKEN AS TRUE, AND THE POSITIONS OF OTHER PARTIES MAY BE ADOPTED WITHOUT CONTEST BY THE COMMISSIONER OF TRANSPORTATION.

The Minnesota Rules cited above are available for purchase from the Minnesota Documents Division of the Department of Administration, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155 (Telephone: 612-297-3000). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a transcript of the hearing. Subpoenas may be available to compel the attendance of witnesses or the production documents and other evidence. See Minn. Rule, part 1400.7000.

At the hearing, the co-petitioners or representatives of the co-petitioners, the State of Minnesota, Department of Transportation, the Burlington Northern Railroad Company, and any intervening party(ies) will present their views on the proposed acquisition by the State of Minnesota, Department of Transportation of abandoned Burlington Northern Railroad Company railroad right of way for

OFFICIAL NOTICES

State Rail Bank purposes between the Cities of Bemidji and International Falls, Minnesota. Witnesses will testify under oath, and be subject to cross examination by other parties.

Persons attending the hearing should bring all documents bearing on the case including any records and witnesses necessary to support their position. If "not public data" is admitted into evidence, it may become public unless a party objects pursuant to Minn. Stat. § 14.60, subd. 2.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Administrative Law Judge at least 5 business days prior to the hearing. A copy of the request must be served on this agency and all parties.

Dated: 30 June 1986.

Richard P. Braun
Commissioner of Transportation

Notice of Appearance

Date and Time of Hearing: August 5, 1986 at 9:30 A.M.

Name and Telephone Number of Administrative Law Judge:

Allan Klein
Office of Administrative Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, Minnesota 55415
341-7609

TO THE ADMINISTRATIVE LAW JUDGE:

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

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Signature of Party or Attorney: _____

Date: _____

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

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

| <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> |
|--|---------------------------------|--|-----------------------|--------------------------------|
| Portable Computers | July 8, 1986 | Vocational-Technical Education Board | St. Paul | 36-000-05456 |
| Carpeting & Installation—Rebid #2 | July 8, 1986 | Administration—Plant Mgmt. | St. Paul | 02-307-45403 |
| Furnish & Install Paired Panel Partition Walls | July 8, 1986 | Transportation | St. Paul | 79-000-52722 |
| Roofing Repairs as needed | July 8, 1986 | Southwest State University | Marshall | 26-175-06655 |
| Computer Aided Drafting Supplies | July 8, 1986 | Various | Various | Price-Contract |
| Sheet Music—Rebid | July 8, 1986 | Various | Various | Price-Contract |
| Revised Reprint SSU/Recruitment Publications—SSU Packet Folder (Revised Reprint)—Student Recruiting Poster | July 8, 1986 | Southwest State University | Marshall | 26-175-06670 & 28870, 81, 80 |
| DOTScene Magazine | July 8, 1986 | Transportation | St. Paul | 79-000-52966 8462 |
| Covers for various manuals | July 8, 1986 | Transportation | St. Paul | 79-000-52852 8697 |
| Exercise Equipment | July 9, 1986 | Anoka Ramsey Community College | Anoka | 27-152-46313 & etc. |
| Purchase of Apple Publishing System | July 9, 1986 | Willmar Community College | Willmar | 27-145-48995 |
| Statewide Assessment Test Booklets and Answer Sheets FY87 | July 9, 1986 | Education | St. Paul | Rebid 37-010-18941 8778 |
| Reimbursing Employer's Quarterly Emp. & Wage Report | July 9, 1986 | Jobs & Training | St. Paul | 21-200-13017 9065 |
| St. Paul Learning Center Quarterly Schedules—3 issues | July 9, 1986 | Inver Hills Community College | Inver Grove Heights | 27-157-47613 8767 |
| Tabloid—1986-87 Fall, Winter, Spring | July 9, 1986 | North Hennepin Community College | Minneapolis | 27-153-48347 8712 |
| Armored Car Service | July 9, 1986 | Metro Community Colleges | Minneapolis | Price-Contract |
| Rubbish Removal Lakewood C.C. | July 9, 1986 | Lakewood Community College | Lakewood | 27-154-46569 |
| Lithography Press | July 10, 1986 | Bemidji State University | Bemidji | 26-070-12045 |
| Snow Removal | July 10, 1986 | Worthington Community College | Worthington | Price-Contract |
| Elevator Maintenance | July 10, 1986 | Normandale Community College | Normandale | 27-000-10013 |
| Insulated Tray System | July 10, 1986 | Human Services Regional Treatment Center | Cambridge | Price-Contract 55-201-06660 |
| Purchase of Microcomputers | July 10, 1986 | Revenue | St. Paul | 67-240-11424 |

STATE CONTRACTS

| Commodity for Bid | Bid Closing Date at 2 pm | Department or Division | Delivery Point | Requisition # |
|--|--------------------------|--|----------------|--|
| Purchase of Microcomputers | July 10, 1986 | Revenue | St. Paul | 67-130-11423 |
| School Furniture | July 10, 1986 | Bemidji State University | Bemidji | 26-070-11649 26-070-11829 26-070-11649 |
| MN Community College System Prospectus | July 10, 1986 | MN Community College System | St. Paul | 27-000-49231 8840 |
| Resource Review—DNR Newsletter | July 10, 1986 | Natural Resources | St. Paul | 29-000-44197 8969 |
| ECHO | July 10, 1986 | Rochester Community College | Rochester | 27-148-48182 8839 |
| MN Community College System Presentation Folder | July 10, 1986 | MN Community College System | St. Paul | 27-000-49232 8841 |
| Baseball Style Caps | July 10, 1986 | Natural Resources | St. Paul | 29-000-43989 29-000-43746 |
| MN VOLUNTEER—6 issues per year | July 11, 1986 | Natural Resources | St. Paul | Price-Contract |
| Service Maint. contract for cooling & chilled water equip. | July 11, 1986 | Administration—Information Management Bureau | St. Paul | 02-410-51342 |
| Steam Cleaners, Degreasers, & Absorbent Material | July 11, 1986 | Transportation | Various | Price-Contract |
| Compact Utility Vehicle—Rebid | July 11, 1986 | Pollution Control Agency | Roseville | 32-300-14289 |
| Bus Transportation | July 3, 1986 | Education | Various | 37010-18598 |
| Addressing & Mailing Publication, <i>MINNESOTA VOLUNTEER</i> | July 3, 1986 | DNR Natural Resources | St. Paul | Price—Contract |
| Bulk Mailing of Quarterly Class Schedules | July 3, 1986 | Metropolitan Community College | Minneapolis | Price—Contract |

Department of Energy and Economic Development—Energy Division

Request for Proposals for Wood Chunk Drying Trial

The Minnesota Department of Energy and Economic Development, Energy Division (DEED/Energy) is requesting proposals from firms/individuals interested in working with DEED/Energy on a trial to monitor air drying of wood chunks.

The objective of the chunk wood drying trial is to determine if cutting fuel wood from whole tree lengths in round 3 inch thick chunks and piling for air drying is an economic procedure in harvesting wood fuels. Estimated cost of this project is \$10,000.

Formal request for proposals (RFP) and detailed procedures may be obtained and inquiries should be directed to:

Marion J. Kloster
 Department of Energy and Economic Development
 Energy Division
 900 American Center Building
 150 East Kellogg Boulevard
 St. Paul, Minnesota 55101
 Phone: 612/297-1960

Proposals must be submitted by 4:30 p.m., July 21, 1986.

Department of Human Services—Moose Lake Regional Treatment Center

Request for Proposal for Medical Services

Notice is hereby given that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Serv-

ices, is seeking the services for the period August 1, 1986 thru June 30, 1987. These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

Services of medical doctors specializing in psychiatry so that accurate diagnosis and proper treatment is provided especially in the use of chemical therapy. The estimated amount of the contract is \$23,400.00.

Responses to these services must be received by July 28, 1986.

Direct inquiries to:

Frank R. Milczark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411 Ext. 242

SUPREME COURT DECISIONS

Decisions Filed Friday, 27 June, 1986

Compiled by Wayne O. Tschimperle, Clerk

C8-84-773 Rhonda Sauter, individually, as Personal Representative of the Estate of Glenn Sauter, and as parent and next friend of Stephanie Ann Sauter, petitioner, Appellant v. J. P. Wasemiller, M.D., et al., and St. Francis Hospital. Court of Appeals.

A post-trial motion for a new trial pursuant to Minn. R. Civ. P. 59.01 raising individual errors allegedly occurring at trial is a prerequisite to appellate review of those errors.

Affirmed. Amdahl, C.J.

C7-85-1553 John Clinton Bellcourt, petitioner, Appellant v. State of Minnesota. Hennepin County.

Where no reasonable juror could find that defendant sufficiently communicated to a victim his intent to withdraw from an aggravated robbery, trial court did not err in refusing to instruct the jury on the revival of an aggressor's right to self-defense.

Where reasonable jurors could only find that the killing by defendant occurred while defendant was committing or attempting to commit an aggravated robbery, trial court did not err in refusing to submit to the jury the lesser-included offenses of murder in the third degree, manslaughter in the first degree, and manslaughter in the second degree.

Affirmed. Amdahl, C.J.

C1-85-2343 Shale H. Gollop, Relator v. Shale H. Gollop, D.D.S., and St. Paul Fire & Marine Insurance Company, and Blue Cross/Blue Shield of Minnesota, intervenor. Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals improperly considered evidence, submitted to it on appeal, which had not been considered by the compensation judge.

The Workers' Compensation Court of Appeals also erred in determining that no issues relating to employee's personal injury had been raised upon the employer-insurer's appeal to that court.

Reversed and remanded for a new hearing on all issues. Amdahl, C.J.

C3-84-1782 State of Minnesota, Appellant v. Kevin Scott Larson. Court of Appeals.

The trial court erred in prohibiting cross-examination of the complainant as to whether her testimony was coerced, but the error was harmless beyond a reasonable doubt.

The trial court did not err in restricting cross-examination about complainant's past sexual conduct.

Evidence of the complainant's lay opinion of the scope of conduct prohibited by the criminal sexual conduct statutes was properly excluded.

Reversed; conviction reinstated. Wahl, J.

DOCUMENTS CENTER

Publications, Services, Subscriptions

Order Form on Back

For Information, Call 297-3000

NEW PUBLICATIONS:

Airport Directory, 1986 Minnesota Department of Transportation (MnDOT). Compact and comprehensive. List of airports throughout the state. Includes approaches, detailed markings, elevation, latitude, longitude, repair potential and Public Seaplane Bases. Paperbound. 178 pp. Code #1-8. \$4.50.

Banking Laws Supplement 1985. Department of Commerce. Statutes governing banks, savings banks, trust companies and other financial institutions. Looseleaf. Code #2-76s1. \$5.00.

RELATED PUBLICATIONS:

Aeronautical Chart, 1983. Map of Minnesota (folded 7½" × 10¾"; open 31" × 25") showing all airports in the state. Airport data includes radio facilities. Code #1-10. \$2.00.

Pilot's Handbook of Aeronautical Knowledge, 1980, U.S. Department of Aeronautics. Essential pilot training. How to use (a) flight information publications; (b) the Aircraft Flight Manual and Pilot's Operation Handbook. Paperback. 257 pp. Code #16-28. \$10.00.

Banking Laws and Related Statutes, 1984. Department of Commerce. Complete basic text of state law. Looseleaf. Code #2-76. \$26.00.

Banking Rules 1985. Department of Commerce. Chapter 2675 from the Minnesota Rules containing the complete rules relating to loans, investments and banking procedures. Saddlestitched. Code #3-81. \$5.00.

Minnesota Guidebook to State Agency Services 1984-85. Department of Administration. A 623-page guide describing all agencies in the three branches of state government, listing services, maps, guides, reports available from each. Includes explanation of administrative rulemaking, legislative lawmaking, and judicial processes in state. Paperback. Code #1-4. \$12.50 plus 75¢ tax.

Minnesota Laws 1985. All laws passed in the Regular and Special Sessions. Code #18-3. \$37.00, plus \$2.22 tax.

Minnesota Rules 1985. 10-volume set. Code #18-200. Single volumes: \$13.00 plus 78¢ tax; Full set: \$125.00 plus \$7.50 tax.

Minnesota Rules 1986 Supplement Number 1. Code #18-200A. \$15.00 + 90¢ tax.

Minnesota Statutes 1985 Supplement. Pocket part supplement to Minnesota Statutes 1984. Code #18-7. \$25.00 plus \$1.50 tax.

State Register Index. Contains cumulative finding aids to Volume 9 of the *State Register*, including Minnesota Rules Amendments and Additions, Executive Orders list & index, Agency & Subject Matter indices. Code #13-9 SR INDEX. \$5.00.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription \$130; Trial Subscription (13 weeks) \$40.00; Single copies \$3.25.

Workers Compensation Decisions. Volume 38. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates. \$89.50.

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Minnesota State Documents Center 1986 Catalog. Contains list of publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.

