

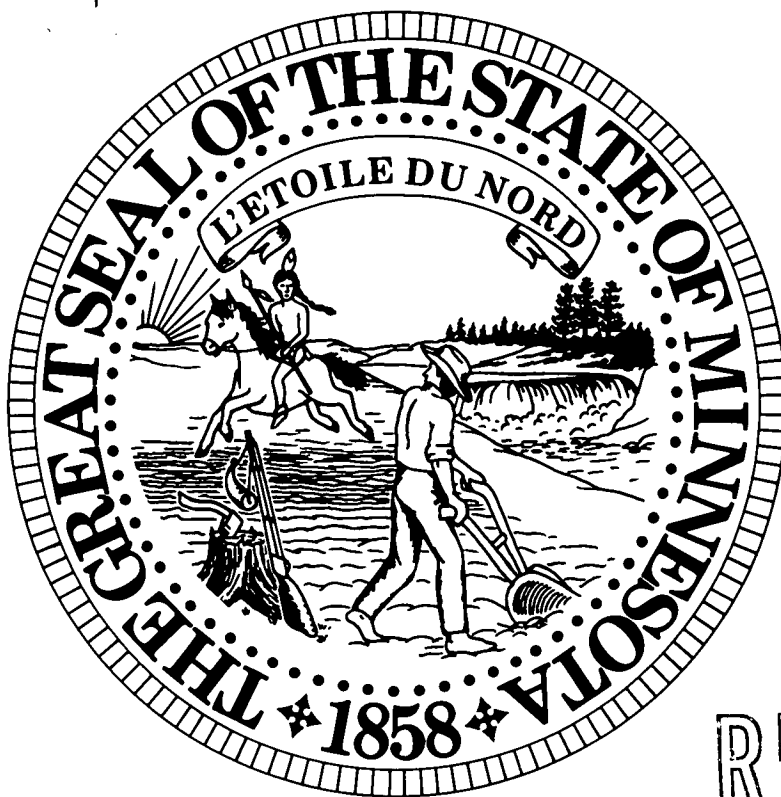
86, October 27

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

4



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VOLUME 11, NUMBER 17
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STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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, official notices to the public, state and non-state public contracts, grants, and supreme court and tax court decisions.

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
17	Monday 13 October	Monday 20 October	Monday 27 October
18	Monday 20 October	Monday 27 October	Monday 3 November
19	Monday 27 October	Monday 3 November	Monday 10 November
20	Monday 3 November	Monday 10 November	Monday 17 November

*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 55155, (612) 296-4273.

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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.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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

This Week—weekly interim bulletin of the House.

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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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
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

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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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 Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Insurance Verification

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Labor and Industry, Workers' Compensation Division, proposes to adopt the above-captioned rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes 14.21-14.28 (1984).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 14.13-14.20 (1984).

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

Steve Keefe, Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

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

Authority for the adoption of these rules is contained in Minn. Stat. § 176.185 and 176.83(1) (1984). The commissioner has prepared a Statement of Need and Reasonableness which describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. The Statement of Need and Reasonableness is available by contacting Debra Caswell at the above address, telephone number (612) 296-8184.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to legality and form as it relates to 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 rules as proposed for adoption, should submit a written statement of such request to the Commissioner at the above address.

The proposed rules define procedures for filing insurance status reports by workers' compensation insurance companies. The proposed rules provide for the filing of policy issuance and termination notices with a contract data collection entity. The proposed filing requirements do not affect any of the rights or responsibilities of licensed insurers in Minnesota regarding providing timely notice of policy coverage or termination and do not modify case law regarding the extent or timeliness of cancellation.

The department has determined that the proposed rules will not have a direct impact upon small businesses as defined in Minn. Stat. § 14.115, subd. 2, nor local public bodies as defined in Minn. Stat. § 14.11, subd. 1. The department's position in this regard is set forth more fully in the Statement of Need and Reasonableness.

A copy of the proposed rules follows this notice in the *State Register*.

One free copy of the proposed rules may be obtained by contacting Debra Caswell at the Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101, telephone number (612) 296-8184.

Dated: 20 October 1986

STATE OF MINNESOTA
Steve Keefe, Commissioner
Department of Labor and Industry

Rules as Proposed (all new material)

5222.2000 PURPOSE.

Parts 5222.2000 to 5222.2006 govern the filing by insurers of insurance coverage notices under Minnesota Statutes, section 176.185. Those parts apply to endorsements; binders; notices of new policy issuance, cancellation, expiration, termination, intent to provide insurance, policy reinstatement, and corrections; and similar documents relating to policy coverage.

5222.2001 CONTENTS OF NOTICE.

Subpart 1. **Form.** Notices relating to policy coverage shall be filed on forms prescribed by the commissioner or as provided in subpart 2. All documents submitted must be typewritten or machine printed.

Subp. 2. **Use of declaration sheets.** An insurer's declaration sheet may be used in place of forms prescribed by the commissioner if the declaration contains at least the following information:

- A. Type of action, such as new policy, correction, binder, reinstatement, expiration, cancellation, termination, or notice of intent to provide insurance.
- B. Employer's legal name.
- C. Every dba (doing business as) name used by the employer.
- D. Employer's legal form of ownership, such as corporation, partnership, limited partnership, or government entity. All owners or partners must be specifically named. In limited partnerships, only the general partners must be identified.
- E. Employer's complete mailing address, including zip code.
- F. Nature of employer's business.
- G. Policy number.
- H. Effective and expiration dates of policy.
- I. Name of carrier.
- J. Carrier office issuing the policy.
- K. Type of cancellation, if applicable.
- L. Reason for cancellation, if applicable.

M. Effective date of cancellation, if applicable.

Subp. 3. **Filing not accepted.** Notices not in compliance with this part will not be accepted for filing.

5222.2002 PLACE OF FILING.

All notices required by Minnesota Statutes, section 176.185 shall be filed with the commissioner's contract designee for this purpose, the Minnesota Workers' Compensation Insurers Association, Inc. (MWCIA). This part applies to all insurers licensed to write workers' compensation insurance in Minnesota, including insurers who are not members of the MWCIA. MWCIA shall function only as a repository for data collection and processing; any issues regarding the adequacy, timeliness, or other aspects of the filing are to be addressed to the commissioner.

5222.2003 TIME FOR FILING NOTICE.

Subpart 1. **Policy issuance.** Notice of coverage must be filed by the insurer within ten days of issuance of a policy or 20 days of issuance of a binder or acceptance of an employer's application for insurance, whichever is earlier.

Subp. 2. **Cancellation.** Notice of cancellation, termination, or expiration must be filed by the insurer at the same time that notice is given to the insured, or, if cancellation is initiated by the insured, upon receipt of notice from the insured. The policy shall remain in effect for 30 days after the insurer's filing of notice, or, if sooner, until another policy or binder is issued by the same carrier or a different carrier.

Subp. 3. **Receipt of notice.** Filing is effective upon receipt by the Minnesota Workers' Compensation Insurers Association, Inc. (MWCIA) of a notice that complies with part 5222.2001. Notices received by the commissioner will be forwarded to the MWCIA and will not become effective until received by that organization.

Subp. 4. **Failure to timely file.** Where an insurer fails to file a timely notice as required by this part, in five or more instances, the commissioner shall issue a warning letter advising it of its responsibilities under the law, and the effect of future noncompliance. If during the 30 days from the date of the warning letter any filing is not timely, the commissioner will notify the Department of Commerce and request a review of the insurer's authority to write workers' compensation insurance in Minnesota. This provision does not affect the insurer's continued liability on the policy, as determined by law, for failure to timely file.

5222.2004 EFFECT OF FILING.

Filing with the Minnesota Workers' Compensation Insurers Association, Inc. under parts 5220.2000 to 5220.2006 is deemed a filing with the commissioner for purposes of Minnesota Statutes, section 176.185, subdivision 1. Filing under this part is not notice to the employer under Minnesota Statutes, sections 176.181 and 176.185.

5222.2005 CANCELLATION OF SUBSIDIARY COVERAGE.

If a single policy covers a parent corporation and its subsidiaries, a cancellation or endorsement must be filed even if the policy for the parent is to continue. The notice must specify that the subsidiary is canceled and the parent remains covered. If a new subsidiary is added to the policy, an endorsement to the declaration sheet must be filed.

5222.2006 COVERAGE.

Parts 5222.2000 to 5222.2006 shall apply to all filings required by Minnesota Statutes, section 176.185 on or after March 1, 1987.

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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 Permanent Rules Relating to Redefining Capital Contribution

The rule proposed and published at *State Register*, Volume 11, Number 6, pages 177-178, August 11, 1986 (11 S.R. 177) is adopted as proposed.

Department of Human Rights

Adopted Rules Relating to Discrimination Complaints

The rules proposed and published at *State Register*, Volume 10, Number 50, pages 2471-2479, June 9, 1986 (10 S.R. 2471) are adopted with the following modifications:

Rules as Adopted

5000.0400 CHARGES.

Subp. 2. **Filing.** ~~Notwithstanding subparts 1 and 1b and part 5000.0050, subparts 12 and 13, a charge is considered filed as follows: If the department receives a written grievance alleging a discriminatory practice within 245 days after the occurrence of the practice, the grievance must be perfected into a verified charge by the 300th day after the occurrence or it will not be considered filed with the department. A statement of grievance received by the department between the 246th and 300th days, inclusive, following the occurrence of the alleged discriminatory practice will be considered filed as of the date of its receipt if it becomes a verified charge within 30 days of the department's mailing of a perfected charge to the person filing the charge. A statement of grievance received by the department must be filed as a verified charge pursuant to Minnesota Statutes, section 363.06, subdivision 3.~~

5000.0520 TERMINATION OF PROCEEDINGS.

The commissioner ~~may choose not to~~ shall not process:

- A. a moot charge;
- B. a charge which the commissioner ~~believes~~ determines does not warrant further use of department resources; or
- C. a statement of grievance which does not conform to part 5000.0400, subpart 2.

5000.0530 DISMISSAL OF FRIVOLOUS CHARGES.

The commissioner ~~may~~ shall dismiss a charge the commissioner ~~believes~~ determines is:

5000.0540 DISMISSAL FOR FAILURE TO PROVIDE REQUIRED INFORMATION.

Subpart 1. **When.** The commissioner ~~may~~ shall dismiss a charge or a statement of grievance for failure to provide required information when:

Subp. 2. **Procedure.** If informal means of obtaining the information fail, the commissioner shall notify the charging party by certified and first class mail of the need for the required information and the possibility of dismissal of the charge for failure to provide required information. If the information is not provided within 30 days of the date of notice, the commissioner ~~may~~ shall dismiss the charge.

5000.0550 PRIVATE CIVIL ACTION; NOTICE TO DEPARTMENT.

When a person who has filed a verified charge as provided in part 5000.0400 indicates to the commissioner an intent to bring a private civil action in the matter pursuant to Minnesota Statutes, section 363.14, subdivision 1, clause (c), the commissioner shall suspend processing of the charge and request the charging party to execute, within 30 days; either:

A. a statement of withdrawal signed by the charging party or attorney of record declaring that a private action will be commenced within 90 days of the initial notice; or

B. a request to resume processing the case to a disposition consistent with other provisions of the statute and parts 5000.0050 to 5000.2400.

If neither is received within 30 days of delivery of the request to the charging party, the commissioner ~~may~~ shall process the case as consistent with the provisions of the act and parts 5000.0050 to 5000.2400.

5000.0570 REOPENING CERTAIN CASES.

Subpart 1. **Request.** A charging party may request that proceedings terminated according to part 5000.0400, subpart 6, 5000.0520, 5000.0530, or 5000.0540 be reopened. The request must be in writing and must state a substantive reason for reopening. No case shall be reopened pursuant to this rule more than 60 days after notice that the proceedings have been terminated was served by the commissioner.

Subp. 2. **Respondent; notice to; information from.** The commissioner shall ~~promptly~~ within ten days notify the respondent by certified mail of the request. The respondent has ten days from the receipt of the notice to provide the commissioner with pertinent information in writing on reopening the proceedings.

Subp. 4. **Reopening without request.** After determining that the department clearly erred in closing a proceeding, the commissioner ~~may~~ shall reopen the proceedings without a request. The department shall provide notice of its intent to reopen to the charging party and respondent and allow ten days for the respondent to reply.

Subp. 5. **Notice of decision.** The commissioner shall, within ~~30~~ 20 days of the respondent's receipt of notice, notify the parties in writing of the decision.

5000.0580 DETERMINATION OF UNFAIR DISCRIMINATORY PRACTICES.

Subp. 2. **Notice of determination of probable cause and conciliation.** If the commissioner has determined after investigating the allegations of a charge that there is probable cause to believe that the respondent has engaged in an unfair discriminatory practice, the commissioner ~~may~~ shall attempt to eliminate the practice by conciliation in accordance with the act and parts 5000.0050 to 5000.0800 unless the commissioner determines that attempts to conciliate would be unproductive or unsuccessful. The notice shall be served on the respondent by certified and first class mail and on the charging party and the counsel of any party by first class mail.

5000.0700 ADMINISTRATIVE APPEAL OF NO PROBABLE CAUSE DETERMINATION.

Subp. 8. **Basis for reconsideration.** A request for reconsideration shall contain or identify and describe the relevance of one or more of the following:

A. ~~new~~ evidence that was not ~~originally considered~~ available during the investigation;

5000.0800 CONCILIATION AND SETTLEMENT.

Subpart 1. **Invitation to conciliation.** When the commissioner has determined after investigation that there is probable cause to believe that the respondent has engaged in an unfair discriminatory practice, the commissioner shall serve upon the respondent by certified mail a written notice of the determination ~~and which may include~~ a written invitation to participate in a conciliation conference, as provided in part 5000.0580, subpart 2, for the purpose of attempting to eliminate the unfair discriminatory practice by informal means. The invitation shall set a ten-day limitation on the time in which the respondent shall respond to the invitation. For good cause the commissioner may grant an extension of time.

Subp. 2. **Termination of conciliation.** If a respondent fails or refuses to respond to the commissioner's invitation to participate in a conciliation conference, or if the respondent fails or refuses to make a good faith effort to conciliate, the commissioner may terminate attempts to conciliate the matter and ~~may~~ shall issue a complaint in accordance with the act and parts 5000.0050 to 5000.2400, unless the commissioner determines to dismiss the charge pursuant to part 5000.0400, subpart 6, 5000.0520, or

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ADOPTED RULES

5000.0540. Conciliation efforts may be resumed at any time upon written request of the commissioner to the respondent.

Subp. 3a. **Monitoring agreements.** The commissioner shall monitor all settlement and conciliation agreements requiring specific performance. If the commissioner believes a respondent may not have complied with an agreement, the commissioner shall notify the respondent by certified mail. The notice shall specify the part of the agreement the respondent is believed to have violated. After permitting the respondent 15 days after the receipt of the notice to respond, the commissioner ~~may~~ shall commence investigation of the respondent's possible noncompliance with the agreement. If noncompliance is determined, the commissioner ~~may~~ shall commence proceedings to enforce the agreement, unless the commissioner determines that to do so would not warrant use of department resources.

5000.0900 COMPLAINT.

Subpart 1. **When issued.** The commissioner ~~may~~ shall issue a complaint: when the commissioner has determined that there is probable cause to believe that a person has engaged or is engaging in an unfair discriminatory practice and after attempts to eliminate the unfair discriminatory practice by conciliation have been terminated; or when the commissioner has reason to believe that a person is engaging in an unfair discriminatory practice, unless the commissioner determines that it is appropriate to dismiss the charge pursuant to part 5000.0520 or 5000.0540.

Soil and Water Conservation Board Department of Agriculture

Adopted Rules Relating to Excessive Soil Loss Control

The rules proposed and published at *State Register*, Volume 10, Number 42, pages 2101-2107, April 14, 1986 (10 S.R. 2101) are adopted with the following modifications:

Rules as adopted

8400.4000 GENERAL PROVISIONS.

Subp. 5. Conformance with local ordinances. A local soil loss limits ordinance must not violate an ordinance the local government is enforcing.

8400.4002 DEFINITIONS.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of agriculture or a designated agent.

Subp. 5. Conservation plan and time schedule. "Conservation plan" means a document listing a set of practices that, when implemented, will decrease soil erosion to the soil loss limits on a particular parcel of land. The "time schedule" will set times to implement, make satisfactory progress on, and complete the conservation plan.

~~Subp. 5-6.~~ Subp. 6. Conservation practice. "Conservation practice" means a practice containing a definition, purpose, conditions under which the practice is applied including design requirements, and specifications containing a statement of details required for installing a conservation practice, including necessary kinds, quality, and quantity of work and materials. A conservation practice may be a permanent or temporary, vegetative or structural measure that, when applied to the land, will contribute to the control of wind and water erosion and sedimentation. "Conservation practices" may be used in a development activity area or an agricultural area. Permanent practices are those that have an effective life of ten years or more and include grassed waterways, terraces, field windbreaks, water control structures, grade stabilization structures, sediment retention structures, stripcropping, water and sediment control basins, and other permanent practices approved by the board. Temporary practices include conservation tillage, contour farming, grasses and legumes in rotation, emergency tillage, fabric filter barriers, filter strips, stormwater inlet and outlet protection, and any other cultural practices approved by the board. The field office technical guide or other recognized technical procedures must be used to design, install, and certify practices.

~~Subp. 6-7.~~ Subp. 7. Development activity. "Development activity" means a physical disturbance, excluding agricultural use, of the land associated with activities that may result in sedimentation of adjacent lands or waters. These activities include, but are not limited to, clearing, grading, excavating, transporting, draining, and filling lands. Federal, state, county, and municipal road construction designed and installed according to Department of Transportation standard specifications for construction are not development activities.

~~Subp. 7-8.~~ Subp. 8. District. "District" means a soil and water conservation district organized under Minnesota Statutes, chapter 40.

~~Subp. 8-9.~~ Subp. 9. Erosion. "Erosion" means any process that wears away the surface of the land by the action of water, wind, ice, or gravity. "Erosion" can be accelerated by the activities of man or nature.

Subp. 9- ~~10.~~ **Excessive soil loss.** "Excessive soil loss" means soil loss that is greater than the soil loss limit- ~~"Excessive soil loss" may be evidenced by or which causes~~ sedimentation on adjoining land or in a body of water, watercourse, or wetland.

Subp. ~~40-~~ **11. Field office technical guide.** "Field office technical guide" means the guide developed by the United States Department of Agriculture, Soil Conservation Service and adopted by the soil and water conservation districts containing technical information including methods and procedures by which the various types of erosion can be ~~measured~~ estimated, and conservation practice standards and specifications required in the application of soil and water conservation practices.

Subp. ~~44-~~ **12. Land occupier.** "Land occupier" means a person, firm, corporation, municipality, or other legal entity that owns or possesses land as owner, lessee, renter, tenant, or otherwise. The terms include both the owner and the occupier of the land if they are not the same.

Subp. ~~42-~~ **13. Local government.** "Local government" means the elected governing body of a county, home rule charter or statutory city, or town, or their designated agents. Agents may include a soil and water conservation district, water management organization, joint power board, watershed district, or other governmental entity responsible for resource management within the affected jurisdiction.

Subp. ~~43-~~ **14. Sediment.** "Sediment" means solid mineral or organic material that is in suspension or motion, being transported or has been moved from its original site by air, water, gravity, or ice.

Subp. ~~44-~~ **15. Sedimentation.** "Sedimentation" means the process or action of depositing sediment that, upon inspection, is determined to have been caused by erosion.

Subp. **16. Sedimentation control plan; time schedule.** "Sedimentation control plan" means a document listing a set of practices that, when implemented, will decrease sedimentation to the allowable level on a particular parcel of land. A "time schedule" must set times to implement, make satisfactory progress on, and complete the "sedimentation control plan."

Subp. ~~45-~~ **17. Soil.** "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Subp. ~~46-~~ **18. Soil loss limits.** "Soil loss limits" means the maximum amount of soil loss from water or wind erosion, expressed in tons per acre per year, that is allowed by local regulations on a particular soil. The local soil loss limits ordinance must use the soil loss tolerance for each soil series described in the Field Office Technical Guide or the United States Department of Agriculture Soil Conservation Service Soil Survey for a particular county, whichever is more current.

Subp. ~~47-~~ **19. Soil loss tolerance.** "Soil loss tolerance" means the maximum rate of annual soil erosion that will permit crop productivity to be sustained economically and indefinitely. In Minnesota, "soil loss tolerance" ranges from one to five tons per acre per year depending on the particular soil characteristics. "Soil loss tolerance" values for Minnesota soil series are provided in the Field Office Technical Guide or the United States Department of Agriculture Soil Conservation Service Soil Survey for a particular county.

8400.4010 SOIL AND WATER CONSERVATION DISTRICT DUTIES.

In accordance with Minnesota Statutes, sections 40.19 to 40.28, districts shall:

- A. provide assistance to local governments in determining whether excessive soil loss is occurring;
- B. provide assistance to the land occupiers in developing a conservation plan and time schedule ~~with suggested~~ suggesting conservation practices and a time schedule for ~~their application of the best practicable conservation practices; and~~
- C. make available to land occupiers state cost-share funds as provided by parts 8400.4045 and 8400.4060;
- D. provide assistance to local governments in the development, review, monitoring, and enforcement of local soil loss limits ordinances, conservation plans, and time schedules, and sedimentation control plans and time schedules; and
- E. provide assistance to the commissioner in the development and review of additional adequate technical information.

8400.4025 MINIMUM STANDARDS FOR LOCAL SOIL LOSS LIMITS ORDINANCES.

Subpart 1. **Permitted soil loss.** Local government soil loss limits must use the soil loss tolerance for each soil series as the maximum amount of soil loss permitted. The final ~~approval~~ recommendation of the soil loss tolerance information used rests with the district.

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. 2. **Permitted sedimentation limits.** Local government sedimentation limits must minimize sediment on adjoining land or in a body of water, watercourse, or wetland. In establishing these sedimentation limits the local government shall give consideration to the nature of the affected land or water. In making these determinations the local government should seek the advice of local, state, and federal agencies.

Subp. 3. **Sedimentation control plan.** Local government soil loss limits must require that a sedimentation control plan and time schedule must be developed by a land occupier and submitted to the local government before any development activity begins. The following must be addressed in developing and implementing a sedimentation control plan:

- A. stabilization of denuded areas and soil stockpiles;
- B. establishment of permanent vegetation;
- C. protection of adjacent properties;
- D. timing and stabilization of sediment trapping measures;
- E. sediment basins;
- F. stabilization of cut and fill slopes;
- G. stabilization of watercourses;
- H. stabilization of construction access routes;
- I. disposition of all temporary measures; and
- J. maintenance of all temporary and permanent urban conservation practices.

Subp. 3-4. **Model ordinances.** The model ordinances incorporated by reference in part 8400.4080 are the minimum standards for the adoption or amendment of soil loss limits under Minnesota Statutes, sections 40.19 to 40.28. A local government may adopt soil loss limits which are stricter than the model ordinances.

8400.4030 PROHIBITED ACTIVITIES.

Subp. 2. **Agricultural activity.** A land occupier shall:

- A. if engaged in an agricultural use, prevent excessive soil loss and ensure that proper management and conservation practices are being applied to the land;
- B. if using wooded or open land for pasture, ensure that proper management is used to prevent excessive soil loss due to overgrazing or cattle paths; ~~and~~
- C. if using wooded land for timber harvest, ensure that proper management is used to prevent excessive soil loss; and
- D. if a body of water, watercourse, or wetland is located within an agricultural use area, wooded or open land used for pasture, or a wooded area used for timber harvest, ensure that proper management and conservation practices are being applied to the surrounding land.

Subp. 4. **Development activity.** A person engaged in a development activity that will disturb over one acre of land must submit a sedimentation control plan and time schedule that will prevent excessive soil loss or sediment from damaging adjacent land, bodies of water, watercourses, or wetlands, to the local government for its approval.

Subp. 5. **Road construction and maintenance.** A land occupier engaged in federal, state, county, ~~or~~ municipal, or township road construction and maintenance is not violating subpart 1 if the road construction and maintenance is designed and installed according to Department of Transportation standard specifications for construction and maintenance.

8400.4037 PROCEDURE FOR DEVELOPMENT ACTIVITY.

Subp. 2. **Specification of methods.** A sedimentation control plan and time schedule must specify how the movement of soil and damage to other lands and regions will be minimized during the construction process. ~~These methods~~ A sedimentation control plan and time schedule must address the items in part 8400.4025, subpart 3. Urban conservation practices in a sedimentation plan may include, but are not limited to, the use of temporary seeding, fabric fiber mats barriers, plastic, straw mulch, sediment control basins, or other measures conservation practices adequate to prevent erosion and sediment damage.

Subp. 4. **Review of plan and schedule.** The local government may appoint the zoning or planning director, ~~county auditor,~~ building inspector, engineer, or district to review the sedimentation control plan and time schedule. The local government must forward the sedimentation control plan and time schedule to the appointed reviewer within seven days of receiving the sedimentation control plan and time schedule from the land occupier.

8400.4040 PROCEDURE FOR AGRICULTURAL ACTIVITIES.

Subpart 1. **Complaint.** Adversely affected land occupiers, elected or duly appointed officials of the local government, or district

board members may submit a signed written complaint to the local government if conditions exist that indicate there is excessive soil loss from a tract of land. The local government shall submit the complaint to the district for soil loss determination. The local government shall notify the alleged offending land occupier of the complaint and that the district will be contacting the land occupier to review the site, determine the severity of the problem, and assist the land occupier in correcting the problem. The local government shall also name a contact person for further assistance.

The signed written complaint must include:

- A. the name and address of the alleged offending land occupier;
- B. the location of the tract of land with the alleged excessive soil loss;
- C. other land or water that is allegedly being affected by the excessive soil loss; and
- D. a description of the nature of the alleged excessive soil loss and resulting sedimentation.

Subp. 3. **Report.** The district shall submit a report to the local government that states the average soil loss in tons per acre per year for each tract of land and if that soil loss is excessive under the applicable soil loss limits.

If the soil loss is excessive, the report must include identification of existing farming practices and a preliminary conservation plan and time schedule that will prevent excessive soil loss ~~or reduce the soil loss on that tract of land.~~

If the report shows that soil loss from the tract of land is equal to or below the soil loss tolerance for that soil series, the local government shall dismiss the complaint and notify the land occupier.

Subp. 5. **Mediation.** If the district report shows that soil loss from a tract of land is excessive and conservation practices are available to reduce the soil loss, the local government ~~may~~ shall request the offending land occupier to participate in mediation with the local government. The local government may appoint the planning and zoning director, a planning commissioner, or other official to act as mediator. The local government also may contract with a private mediation center to provide mediation services.

The land occupier and local government must attempt to agree on a conservation plan and time schedule that will reduce soil loss to the acceptable limits set by a local soil loss limits ordinance.

A mediated settlement must be approved by the local government and land occupier, put in writing, and filed with the county.

8400.4055 HEARING PROCEDURE.

If the land occupier and local government do not reach a mediated written agreement or if the land occupier has refused mediation, the local government shall forward the complaint to the county attorney. The county attorney may petition the district court for a hearing.

At the hearing, the land occupier may present a conservation plan and time schedule as an alternative to the conservation plan and time schedule developed by the local government. The court shall review both plans and order the land occupier to implement the conservation plan and time schedule that will reduce soil loss to at least the soil loss limit. The court may choose to amend the conservation plan and time schedule developed by the local government or land occupier or develop a new conservation plan and time schedule.

The settlement must be put in writing and filed with the appropriate county official.

8400.4075 VARIANCES.

Subpart 1. **Land occupier variance.** A land occupier may petition the local government for a variance from part 8400.4040 due to economic hardship or technical infeasibility.

Subp. 2. **Request Local government variances.** If a local government feels that a particular requirement of parts 8400.4000 to 8400.4070 prevents conservation practices or sedimentation control practices from being installed, a written request for a variance may be filed with the board. The request must contain:

- A. the name and address of the local government making the request and the signature of the appropriate personnel;
- B. the nature of the variance being sought, including an identification of the applicable rule from which the variance is sought, the time period for which it is sought, and the reason for seeking the variance;

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ADOPTED RULES

C. a statement of alternatives for dealing with installation of the affected practices if the variance is not granted; and

D. a statement of the effects on applicable natural resources and the public if the variance is granted.

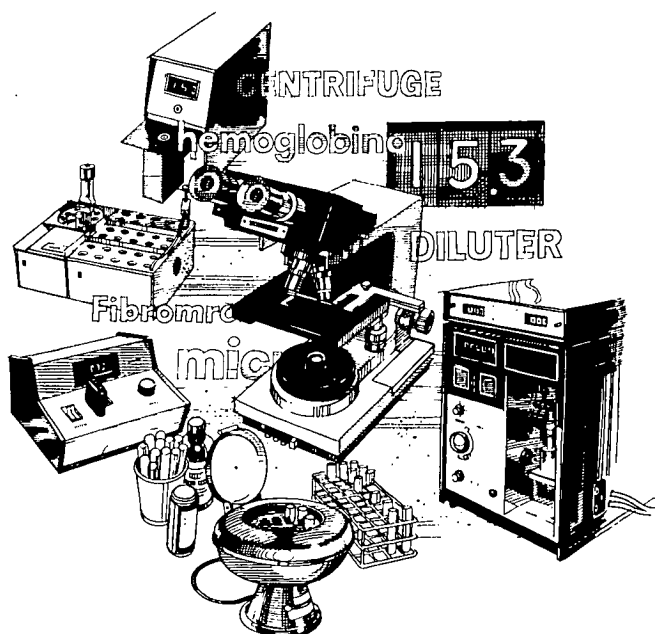
Subp. 2- ~~3~~. **Decision.** Local government variance requests must be submitted to the board at least 30 days prior to the board meeting at which the variance is to be considered. Within 45 days after the meeting, the board must approve or deny the variance request and provide written notification of the decision to the applicant. A variance may not be granted if it is in conflict with any statute.

Subp. 3- ~~4~~. **Modifications.** If a variance has been granted by the board, the local government holding the variance may file with the board, at any time, a written request for modification or amendment of the variance. The request for modification or amendment and the board's consideration of the request must comply with this part.

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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)

HEALTH DEPARTMENT

4655.5610 (Emer. adopted) 747

Department of Health

Adopted Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

The rule proposed and published at *State Register*, Volume 11, Number 6, pages 219-220, August 11, 1986 (11 S.R. 219) is adopted with the following modifications:

Rules as Adopted

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after ~~October~~ November 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

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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.

Minnesota State Agricultural Society Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a general business meeting at 10 a.m. Friday Nov. 7 at the Administration Building on the fairgrounds, St. Paul

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board will be held on November 20, 1986, at 7:00 p.m. in the Auditorium, Fort Snelling History Center, Fort Snelling, Minnesota.

Department of Human Services Income Maintenance Bureau Assistance Payments Division

Outside Opinion Sought Regarding Proposed Rules Governing Emergency General Assistance

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate a permanent rule governing the subpart of the General Assistance Program (GA) having to do with the issuance of emergency assistance (EGA). EGA is governed under Minnesota Statute, sections 256D.01-256D.21. EGA is the portion of the General Assistance Program that provides for immediate financial aid for GA recipients and other persons in situations that place a person in jeopardy and cannot be resolved with the person's current resources.

The Minnesota Department of Human Services requests information and comments concerning the subject matter of this part of the rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Dan Lipschultz
Rulemaking Unit
Minnesota Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received over the telephone at 612/297-4997 between 9:00 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until further notice. Any written material received by the Minnesota Department of Human Services shall become part of the record in the event the rule is promulgated.

Metropolitan Council of the Twin Cities Area

Public Hearing on the Certificate of Need Report on Sludge Ash Disposal Facilities

The Metropolitan Council will hold a public hearing Wednesday, Dec. 3, 1986, at 7:30 p.m. in the Shakopee Senior High School auditorium, 10th Av. and Lewis St., Shakopee, Minn. 55379, on its certificate of need (CON) report on sludge ash disposal

facilities. The Council is required to prepare the CON in accordance with the Waste Management Act, Minn. Stat. 473.153, subd. 6d. All interested persons are encouraged to attend the hearing and offer comments. People may register to speak in advance by calling Jane Larson at 291-6500. Copies of the CON study report are available for public inspection beginning Oct. 27, at designated libraries throughout the region. For information on the location of these libraries or a free copy of the study report call 291-6464.

Pollution Control Agency Division of Air Quality

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Abrasive Blasting

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose rules governing practices of abrasive blasting to remove paint containing lead. The adoption of these rules is authorized by Minnesota Statutes 116.07, subd. 4.

The Agency 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:

Gordon Anderson
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

Oral statements of information and comment will be received over the telephone at (612)296-7667, between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

All statements of information and comment shall be accepted until November 24, 1986. Any written material received by the MPCA shall become a part of the rulemaking record.

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LRL (Legislative Reference Li- brary) Checklist	\$ 75.00	90-8

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Minnesota Statutes Subscription Includes the complete 10-vol- ume set of Minnesota Statutes 1986 and the 1987 Supplement	\$135.00	18-8
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Vol. 39.	\$ 95.00	90-13

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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 #
Lease/Purchase of Copiers	October 28, 1986	State University	St. Cloud	26-073-19164 & 19166
Installation & Servicing of Telephone Deka sets—Rebid	October 28, 1986	Various	Various	Price Contract
A Complete Line of Builders Hardware	October 28, 1986	Various	Various	Price Contract
Trucks	October 28, 1986	Various	Various	Sch. 113A
Access Flooring	October 28, 1986	Revenue	St. Paul	67-120-02402
Theodolites	October 28, 1986	Transportation	St. Paul	79-000-72201
Computer Software	October 28, 1986	Corrections	St. Paul	78-000-17046
Fat Analyzer	October 28, 1986	Agriculture	St. Paul	04661-71790
Information Hotline Service for Right to Know Compliance	October 28, 1986	Various	Various	Various
Pump Repair	October 29, 1986	Human Services: Nursing Home	Ah-Gwah-Ching	55-510-02696
Build, Furnish & Installation of Cabinets	October 29, 1986	Human Services: Regional Treatment Center	Willmar	55-106-06408
Lease/Purchase of Copier	October 29, 1986	Finance	St. Paul	10-010-02775
Office Supplies	October 29, 1986	Administration: Central Stores	St. Paul	Price Contract
Removal & purchase of Amberlite	October 29, 1986	Human Services: Regional Treatment Center	St. Peter	55-105-07359
Drawing Pencils & Leads	October 29, 1986	Transportation	St. Paul	Price Contract
Service Contract for Paint Shop	October 29, 1986	Human Services: Regional Treatment Center	Fergus Falls	55-101-07103
Aggregate	October 29, 1986	Transportation	Virginia	79-150-00547
Electrofishing Boat System	October 29, 1986	Natural Resources: Southern Service Ctr.	St. Paul	29-004-08251
Steel Tubing	October 30, 1986	Correctional Facility	Stillwater	78-620-00070
Rental of Copier	October 30, 1986	Human Services: Regional Treatment Center	St. Peter	55-105-07375
Vending Machine	October 30, 1986	Jobs & Training	St. Paul	21-200-14070
Computers	October 30, 1986	Various	Various	79-000-71978
Computers	October 30, 1986	Various	Various	79-000-72111
Genuine Toro Mower Repair	October 31, 1986	Various	Various	Price Contract
Parts				
Photocopy Machine Rental	October 31, 1986	Employee Relations	St. Paul	24-000-71143

<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>
Garbage Contract	October 31, 1986	Human Services: Regional Treatment Center	Cambridge	55-201-06659
Rubbish Disposal	October 31, 1986	Community College	Minneapolis	27-151-47424
Rubbish Disposal	October 31, 1986	Correctional Facility	Red Wing	78-760-02170
Computer Furniture—Rebid	November 3, 1986	Labor & Industry	St. Paul	42-500-10007
Library Furniture—Rebid	November 3, 1986	State University	Moorhead	26-072-07108
Lab Pack/Plotter	November 3, 1986	Community College	Hibbing	27-158-49359
Bent Spindle	November 3, 1986	Correctional Facility	Stillwater	78-620-00069
Hub Assembly	November 3, 1986	Correctional Facility	Stillwater	78-620-00068

Department of Corrections Central Office Fiscal Services Section

Notice is hereby given that the Minnesota Department of Corrections Central Office Fiscal Services Section is requesting proposals for the following services for the period of approximately December 15, 1986 through September 14, 1987.

Services of an experienced computer consultant are requested to provide a full range of professional and technical support for the purpose of continuing the automation of accounting/financial management systems of Minnesota Correctional Industries at a maximum of five (5) operating sites. Each operating site currently has a local area network utilizing a dedicated server with prepackaged software from Open Systems, Inc.

Each operating site is to maintain a comprehensive, interfaced automated system which includes all functions such as payroll, sales/accounts receivable, purchase order processing/accounts payable, job cost, and general ledger, including the preparation of financial reports and statements at cost center, facility, and combining levels.

Contractor will be expected to perform duties such as: perform a needs assessment of the overall system, submit recommendations for software/hardware improvements, recommend and develop programming changes, and assist in applying software and hardware to industries operation. Estimated amount of the contract is \$11,000.

Persons interested in obtaining the Request For Proposal should contact Pete Maurer, Accounting Director Facilities, at 612-642-0210.

Department of Human Services Income Maintenance Bureau

Extended Deadline for Request for Proposal for Refugee Mental Health Services

This notice is to announce the revised deadline for the Request For Proposal For Refugee Mental Health Services published in the *State Register* on October 13, 1986, (CITE 11 S.R. 699).

The new deadline for submitting proposals for this service is now extended to November 10, 1986.

Therefore, the State Refugee Program Office must receive all proposals by 4:20 p.m., CDT, Monday, November 10, 1986.

Please direct requests for the complete information package, questions, and proposals to:

Refugee Program Office
Minnesota Department of Human Services
444 Lafayette Road—2nd Floor
St. Paul, MN 55101
(612) 296-1383

Iron Range Resources and Rehabilitation Board

Request for Proposal for Professional Electronic Timing and Computer Related Services for the Giants Ridge 1986-87 Nordic Ski Season

The Iron Range Resources and Rehabilitation Board is seeking proposals to provide professional electronic timing and computer related services for the Giants Ridge 1986-87 nordic ski season.

Cancellation of Solicitation:

This request for proposal does not obligate the State of Minnesota to complete the project, and the State reserves the right to cancel this solicitation if it is considered to be in the State's best interest.

Tasks of the Contractor:

A. Provide professional timing and computer services for the Giants Ridge 1986-1987 nordic ski season for six major races, including:

1. Nordic Combined World Cup
2. International Marathon
3. USST Tryouts
4. North American Championships
5. U.S. Junior Championships
6. Pepsi Marathon

B. Provide all necessary computer equipment, personnel, software programs, and technicians necessary to produce professional quality and accurate racing results to include mailing lists of entrants and production of mailing labels.

Submission of Proposals:

Proposals must be submitted no later than 4:30 P.M., Monday, November 17, 1986, at the IRRRB Administration Building, located westerly adjacent to Highway 53, three miles south of Eveleth, Minnesota 55734.

NOTE: Please provide one (1) original and three (3) photocopies of the proposal. This proposal is not to be construed as a binding bid, but rather a tentative proposal upon which a final agreement can be negotiated. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. The IRRRB is not responsible for any costs incurred as associated with responding to this RFP.

Review of Proposals:

All proposals received by the above deadline will be reviewed and evaluated by a committee selected for this purpose by the IRRRB. An interview may be a part of this evaluation process.

Tentative Proposal/Contract Timelines:

Publication in *State Register*: Monday, October 27, 1986
Response Period: Tuesday, October 28, 1986—Monday, November 17, 1986, 4:30 P.M.
Tentative Respondent Interviews: November 18-21, 1986
Anticipated Date of Contract Award: November 26, 1986
Effective Contract Date: On or near December 4, 1986
Term of Contract: December 4, 1986—May 1, 1987

Cost of Contract:

This, of course, is a negotiable item. However, the IRRRB estimates expenditures to approximately \$10,000.00 during the term of the contract based on historical expenditures for this type of service for the facility involved.

Department of Jobs and Training

Request for Proposals for Operation of Dislocated Worker Program

In accordance with Laws of 1979, Chapter 336, the Minnesota Department of Jobs and Training, State Job Training Office, is requesting proposals from qualified bidders to operate dislocated worker programs in the State of Minnesota. Approximately

\$330,000 will be available for dislocated worker programs to operate for the remainder of Federal Program Year 1986 (July 1, 1986 to June 30, 1987).

This request amends the request for proposals published earlier in the *State Register*, Monday 23, June, 1986, page 2,594. (10 SR 2595)

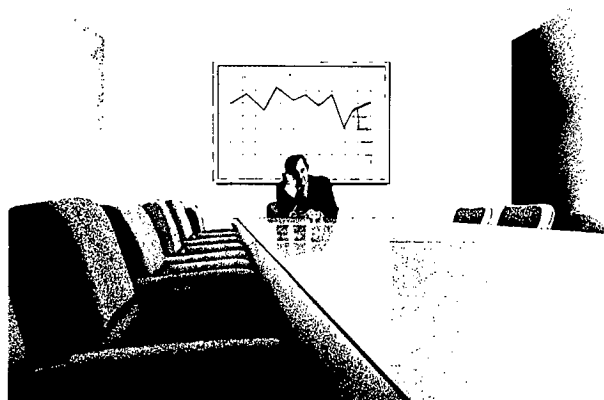
Request for Proposal Application is available upon request. Inquiries and request should be directed to:

Edward Retka
State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Phone: (612) 296-7918

Proposals will be accepted on a continuous basis through June 30, 1987.

Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, \$10.00.



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NON-STATE PUBLIC CONTRACTS

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Invitation for Sealed Bids for 36 Inch Roll Feed Pen Plotter

The Metropolitan Council is requesting sealed bids for 36 Inch Roll Feed Pen Plotter. The sealed bids for equipment must have the capability to produce a plot of 36 inches in width and 12 feet in length in eight different colors.

Specifications for this pen plotter equipment may be obtained by contacting Roy Larson, Information Systems Manager, at 291-6480. Specifications will be available October 20, 1986.

Sealed bids for this pen plotter equipment will be accepted by the Metropolitan Council until 11:30 a.m. C.D.T., on the 4th of November, 1986. The Purchasing Officer will publicly open the sealed bids in the Office of the Metropolitan Council at 1:30 p.m. C.D.T. on the 5th of November, 1986.

All sealed bids will be addressed to:

Metropolitan Council
300 Metro Square Building
St. Paul, Minnesota 55101
ATTN: Purchasing Officer

All sealed bids shall be marked "36 Inch Pen Plotter—To be opened at 1:30 p.m., November 5, 1986".

Sandra Gardebring, Chair
Metropolitan Council

SUPREME COURT DECISIONS

Decisions Filed Friday 17 October 1986

Compiled by Wayne O. Tschimperle, Clerk

C3-85-2330 State of Minnesota, petitioner, Appellant v. Gregory A. Burns. Court of Appeals.

Minn. R. Evid. 103—codifying long-standing rules governing the need for objection, the conduct of admissibility hearings, the plain error doctrine, and harmless error analysis—applies to Minn. Stat. § 595.02, subd. 3 (1985 Supp.), which requires the trial court to hold an evidentiary hearing before admitting certain out-of-court statements by child sex abuse victims.

Reversed and judgment of conviction reinstated. Amdahl, C.J.

ORDERS

CX-86-343 In the Matter of the Application for the Discipline of Norman Perl, an Attorney at Law of the State of Minnesota. Supreme Court.

Opinion of August 1, 1986, withdrawn and matter remanded to referee for hearing. Amdahl, C.J.

Dissenting, Scott, J.

Took no part, Coyne, J.

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Health Care Facilities Directory 1986. Contains a list of hospitals and related institutions licensed and/or certified in Minnesota. Alphabetical listing by county. Includes town and facility name, ownership, capacity, available services, address, phone number, and director's name. Code #1-89. \$15.00.

OTHER PUBLICATIONS:

Legislative District Maps. A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17" × 22", 1 map 25" × 29", 2 maps 28" × 40"). Sent to you in a sturdy mailing tube. Code #7-7. \$4.95.

MN Hazardous Waste Rules (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code #3-71. \$13.50.

Occupational Safety and Health Rules (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code #3-18. \$9.00.

The Medical Alley Directory. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations. Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code #40-7. \$109.00)

The following two publications are discounted more than 40%.

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Education Laws 1985 Supplement. The 1986 Education Laws (with changes incorporated from the 1986 Legislative Session) will not be available until the Winter of 1986. Code #2-83s1. ~~\$12.50~~ reduced to \$7.00.

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

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