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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 5			
51	Monday June 8	Monday June 15	Monday June 22
52	Monday June 15	Monday June 22	Monday June 29
SCHEDULE FOR VOLUME 6			
1	Monday June 22	Monday June 29	Monday July 6
2	Friday June 26	Monday July 6	Monday July 13

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 40-50. 1994

PROPOSED RULES

Environmental Quality Board

Siting Large Electric Power Generating Plants 1995

Small Business Finance Agency

General Provisions Section of Existing Rules; Making of Business Loans notice of intent to adopt rules without a hearing 2000

ADOPTED RULES

Commerce Department Insurance Division

Group Insurance Coverage Replacement 2004

Economic Security Department Training and Community Services Division

Extension of Adopted Temporary Rules Governing Weatherization Assistance for Low-income People 2005

Energy Agency Data & Analysis Division

Permissible Quantity of Outdoor Display Lighting. 2005

Revenue Department

Apportionment of Railroad Operating Property to Counties and Taxing Districts. 2005

Small Business Finance Agency

General Operating Procedures of the Agency; Making of Pollution Control Loans 2006

SUPREME COURT

Decisions Filed Friday, June 5, 1981. 2006

Decision Filed Tuesday, June 2, 1981. 2007

STATE CONTRACTS

Administration Department Intergovernmental Information Systems Advisory Council (IISAC) 2008

Administration Department
Office of State Building Construction
Contracts for Registered Professional Testing Services 2008
Contracts for Architects, Engineers, and Landscape Architects 2008

Corrections Department
Minnesota Correctional Facility—Red Wing
Contract for Psychological Evaluation Services 2009
Contract for Volunteer Services Coordinator 2009

Corrections Department
Minnesota Correctional Facility—Shakopee
Contract for Food Service Activity 2010

Economic Security Department
Program and Management Support Division
Request for Proposals for Review of Cost Accounting System 2010

Health Department
Community Services Division
Request for Proposals for Educational Services Related to Child Abuse and Neglect 2010

Minnesota Community College System
Request for Proposals for Auditing Service 2011

Public Service Department
Utilities Division
Request for Proposals for Services Related to Electrical Rates 2011

OFFICIAL NOTICES

Commerce Department
Insurance Division
Outside Opinion Sought Regarding Proposed Rules on Medical Fee Review for Workers' Compensation . . . 2012
Outside Opinion Sought on Rules Exempting Insurers from Certain Filing Requirements for Commercial Lines of Insurance 2012

Energy Agency
Alternative Energy Development Division
Outside Opinion Sought on Rules Relating to the District Heating Bonding Act 2013

Minnesota State Agricultural Society
Minnesota State Fair
Meeting Notice 2014

Minnesota State Retirement System
Regular Meeting, Board of Directors 2014

Pollution Control Agency
Application by the City of Worthington for a National Pollutant Discharge Elimination System (NPDES)/ State Disposal System (SDS) Permit for its Wastewater Treatment Facility. 2014

Pollution Control Agency
Solid and Hazardous Waste Division
Outside Opinions and Information Sought Concerning Revisions to Minnesota Hazardous Waste Rules . . . 2014

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**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR 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
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 2 Employee Relations Department

2 MCAR §§ 2.119, 2.181 (adopted) 1694

Part 3 Minnesota State Retirement System

MSRS 1, 3-8, 10-11, 16 (repealed) 1821

2 MCAR §§ 3.0001-3.0014 (formerly MSRS 2, 6-7, 12-15, 19-25) (adopted) 1821

Part 4 State Designer Selection Board

2 MCAR §§ 4.001-4.004, 4.011 (Design 1-4, 11) (adopted) 1947

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0127-1.0135 (proposed) 1913

Agr 121-126 (proposed for repeal) 1913

3 MCAR §§ 1.1149-1.1154 (adopted) 1922

Agr 1155-1156 (repealed) 1922

TITLE 4 COMMERCE

Part 1 Commerce Department

4 MCAR §§ 1.9251-9253 (adopted) 2004

Part 6 Accountancy Board

4 MCAR §§ 6.001-6.009, 6.040-6.041, 6.043-6.046, 6.050, 6.053, 6.060, 6.070-6.075, 6.110, 6.150, 6.160, 6.200 (proposed) 1907

Part 14 Small Business Finance Agency

4 MCAR §§ 14.001-14.004, 14.010-14.012 (adopted) 2006

4 MCAR §§ 14.001, 14.005-14.006, 14.020-14.023 (proposed) 2000

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR § 1.0102 (proposed) 1721

5 MCAR §§ 1.0104, 1.01041-1.01044 (adopted);

1.0105, 1.0107 (repealed) 1693

5 MCAR § 1.0222 (adopted) 1860

5 MCAR §§ 1.0523-1.05361 (adopted) 1860

5 MCAR §§ 1.0820-1.0823, 1.0860-1.0863, 1.0880-1.0883 (proposed) 1723

Part 3 Board of Teaching

5 MCAR § 3.002 (proposed) 1637

5 MCAR §§ 3.004-3.006 (proposed) 1847

5 MCAR §§ 3.050, 3.054, 3.0901-3.0902 (proposed) 1684

5 MCAR § 3.087 (proposed) 1847

Part 5 State Arts Board

5 MCAR §§ 5.002-5.013 (proposed) 1707

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

6 MCAR § 1.2220 (adopted) 1759

Part 2 Energy Agency

6 MCAR § 2.2120 (adopted) 2005

6 MCAR §§ 2.2300-2.2313 (adopted) 1948

Part 3 Environmental Quality Board

6 MCAR §§ 3.072, 3.074, 3.083 (proposed) 1998

Part 4 Pollution Control Agency

6 MCAR § 4.0001 (proposed) 1943

6 MCAR § 4.0033 (proposed) 1608

6 MCAR § 4.0041 (proposed) 1603

6 MCAR § 4.6086 (adopted) 1583

6 MCAR § 4.8050 (adopted temporary) 1759

TITLE 7 HEALTH

Part 1 Health Department

7 MCAR § 1.224 (adopted) 1861

7 MCAR §§ 1.661-1.665 (proposed) 1729

TITLE 8 LABOR

Part 4 Economic Security Department

8 MCAR § 4.4010 (temporary, extended) 2005
 8 MCAR § 4.4012 (adopted temporary, extended)..... 1821

TITLE 10 PLANNING

Part 1 State Planning Agency

10 MCAR §§ 1.202-1.210 (proposed repeal) 1729

Part 2 Capitol Area Architectural and Planning Board

CAAPB (formerly CAAPC) 101-102, 200-268,
 301-303, 401-418, 501-502, 601-610, 701-703,
 801-804, 901-906, 1001-1004, 1101-1109,
 1201-1208, 1301-1307, 1401-1414, 1501-1511,
 1601-1604 (proposed) 1655

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR § 1.0082 (adopted) 1860
 11 MCAR §§ 1.4092-1.4099 (proposed)..... 1631
 11 MCAR §§ 2.201-2.202, 2.210, 2.220, 2.230, 2.240,
 2.245 (proposed) 1857

Part 2 Corrections Department

11 MCAR §§ 2.171-2.182 (proposed)..... 1803

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

12 MCAR § 2.029 (adopted temporary) 1774
 12 MCAR §§ 2.108, 2.034 (adopted) 1888

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR §§ 1.0001-1.0007 (proposed)..... 1572
 13 MCAR §§ 1.0001-1.0007 (withdrawn) 1887
 13 MCAR §§ 1.0022, 1.0027 (proposed) 1572
 13 MCAR §§ 1.0022, 1.0027 (adopted) 2005
 13 MCAR § 1.6016 (adopted) 1861
 13 MCAR § 1.6301 (proposed) 1820

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

10 MCAR § 1.7001-1.7013 (adopted)..... 1776

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Environmental Quality Board

Proposed Amendments to Rules Relating to Siting Large Electric Power Generating Plants

Notice of Hearing

Note: The proposed amendments establish criteria and standards for preparation of an inventory of power plant study areas, revise the site selection criteria used by the Environmental Quality Board (hereinafter "board" or "EQB") to select power plant sites and establish an avoidance area criterion that places limits on the use of prime farmland for power plant sites. This notice lists dates, times and places for public hearings and explains the requirements of rule hearing procedures. The notice also

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PROPOSED RULES

identifies the locations where the proposed amendments, Statement of Need and Reasonableness and other related materials are available for review. If *you* have an interest in this matter, please read the notice and contact the persons identified in this notice (addresses below) if you have any questions.

Hearing Schedule

Notice is hereby given that public hearings in the above entitled matter will be held pursuant to Minn. Stat. §§ 15.0411 to 15.0417 (1980) at the following times and locations:

Stage I Hearings

July 20, 1981	1:00 p.m., 7:00 p.m.	Granite Falls Technical Vocational Institute-Cafeteria Granite Falls, MN
July 22, 1981	1:00 p.m., 7:00 p.m.	St. Cloud Public Library 405 West St. Germain St. Cloud, MN
July 27, 1981	1:00 p.m., 7:00 p.m.	Holiday Inn Grand Rapids, MN
July 29, 1981	1:00 p.m., 7:00 p.m.	YWCA 208 NW 4th Avenue Austin, MN

State II Hearings

August 31, 1981	1:00 p.m., 7:00 p.m.	Little Theater Granite Falls High School Granite Falls, MN
September 2, 1981	1:00 p.m., 7:00 p.m.	St. Cloud Public Library 405 West St. Germain St. Cloud, MN

Please note that individual hearing sessions may be continued on subsequent days at a time and place to be announced at the hearings.

Background Information

The proposed amendments accompany this notice. Note that the proposed amendments address two separate topics: an inventory of power plant study areas (a planning document) and changes in the process by which an actual power plant site is selected.

The proposed amendments, if adopted, would:

A. Establish criteria, standards and administrative procedures to be used in preparing an inventory of large electric power generating plant study areas;

B. Revise the site selection criteria used to select plant sites by expanding the existing criterion preferring sites which maximize energy conservation, deleting the criterion preferring sites allowing for future expansion and adding a criterion preferring sites which maximize community benefits and economic development; and

C. Establish an avoidance area criterion that places limits on use of prime farmland for the developed portion of a power plant site and for the site of an associated water storage reservoir/cooling pond site. The board has proposed a range of 0.25 through 0.75 acres of prime farmland per megawatt of net generating capacity for this limit. A range has been proposed to encourage the public to provide available information that will aid the board in making a determination of appropriate final numbers. Ultimately, the board will adopt one number for the acres of prime farmland per megawatt allowable for the developed portion of the plant site and one number for the associated reservoir/cooling pond. These numbers are likely to fall within the range of proposed numbers, but the board urges interested persons to submit facts and opinions in support of any number including numbers not within the range. The board's staff will make its recommendation concerning the appropriate final numbers before the Stage II hearings in August.

Adoption of the proposed rules will not result in the expenditures of public monies by local public bodies.

Amendments Subject to Change as a Result of Hearing Testimony

Please be advised that the proposed amendments are subject to change as a result of the rule hearing process. Any changes made could make the rules more stringent or less stringent. The board urges those who are interested in the proposed

amendments, including those who support the amendments as proposed, to participate in the rule hearing process. In particular, the board is interested in receiving testimony on whether the proposed amendments should also contain a maximum acreage of prime farmland that can be used for the developed portion of a plant site and for an associated reservoir/cooling pond site, regardless of plant capacity; if you have any questions on this topic, contact staff (address below) for more information.

Authority

The authority of the board to promulgate amendments to rules governing the siting of large electric power generating plants is contained in Minn. Stat. § 116C.66 (1980). The authority of the board to promulgate inventory criteria and standards is contained in Minn. Stat. § 116C.55, subd. 2 (1980).

Hearing Examiner

The public hearing will be presided over by an independent Hearing Examiner, Allan Klein, from the Office of Administrative Hearings, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, (Telephone: 612/296-8104).

Hearing Procedures

Rules. This hearing proceeding is governed by Minn. Stat. §§ 15.0411 to 15.0417 (1980) and by the rules of the Office of Administrative Hearings, 9 MCAR §§ 2.101-2.113. Any person who has questions relating to hearing procedures or availability of the hearing rules may direct them to Hearing Examiner Allan Klein (address above) or Public Advisor Jane Anderson (address below).

Statement of Need and Reasonableness. Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the board's office (copies available at no cost), distribution points as described below, and at the Office of Administrative Hearings (which by law must make a minimal charge for copying the Statement). The Statement of Need and Reasonableness will include a summary of all the evidence and argument which the board staff anticipates presenting at the hearing to justify both the need for and the reasonableness of the proposed amendments to the existing rules.

Presentation at hearings. At the Stage I hearings in July, the board's staff will explain the proposed amendments through written and oral testimony, the introduction of exhibits and the presentation of the Statement of Need and Reasonableness. The staff's recommendation on the final numbers for the limits on use of prime farmland will be presented and explained at the Stage II hearings in August and September; the staff's recommendation will be available before those hearings at the libraries listed below. Copies of the staff's written testimony and the Statement of Need and Reasonableness will be available at the hearing and as indicated below. Upon completion of its presentations at both sets of hearings, the Board's staff will be available for questioning by interested persons.

All interested persons will have an opportunity to participate by stating facts and opinions concerning the proposed amendments captioned above. They are encouraged to make recommendations on the limits on use of prime farmland during the Stage I hearings, so that the staff will have the benefit of their testimony in developing the staff recommendations. The hearings will be conducted so all interested persons will have an opportunity to participate. Statements may be made orally and written material may be submitted. All persons submitting oral statements at the hearings are subject to questioning.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. To save time and duplication, it is suggested that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to the Hearing Examiner (address above), either before the hearing or within 20 calendar days after the close of the hearing. (For example, if the last day of the hearing is September 2, 1981, then comments must be received by the Hearing Examiner no later than 4:30 p.m. on Tuesday, September 22, 1981). All such statements will be entered into and become part of the record.

The hearing may be recessed and rescheduled by the hearing examiner.

Hearing Examiner Recommendation

After the record is closed, the Hearing Examiner will prepare a report for the board, including a recommendation on whether the proposed amendments should be adopted, modified, or rejected.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after

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PROPOSED RULES

which date the board may not take any final action on the rules for a period of five (5) working days. Any person may also request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Board. If you desire to be notified, indicate this at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the board (in the case of the board's submission or resubmission to the Attorney General).

Lobbyists

Please be advised Minn. Stat. ch. 10A (1980) requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) 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 his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

This statute provides certain exceptions. Questions concerning lobbyists or their required registration should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota, 55155, Telephone Number: 612/296-5148.

Availability of Materials

Copies of the following materials will be available for review or distribution at the following places:

1. Statement of Need and Reasonableness: Hearing Examiner's office (nominal fee), EQB (address below), Depository Libraries identified below, and available at hearing.

2. Appendix to Statement of Need and Reasonableness containing information on the prime farmland range (available separately); EQB (address below), Depository Libraries identified below, and available at hearing.

3. The staff's recommendation on limits to use of prime farmland: available to requesters (address below), Depository Libraries identified below, and available at Stage II hearings.

Inquiries, Public Advisor, Power Plant Siting Staff

The board has designated one staff person as the public advisor. Her role is to assist and advise citizens on how to effectively participate in hearing proceedings. The public advisor can work with individuals or groups, telling them how to present testimony and where to go for information. However, the public advisor is not authorized to provide legal advice. The public advisor is Jane Anderson, Environmental Quality Board, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, 55101, Telephone Number: 612/296-9923 (collect calls are accepted).

Questions about the substance of the proposed amendments and requests for materials should be directed to Nancy Onkka, Power Plant Siting Staff, Environmental Quality Board, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, 55101, Telephone Number: 612/296-2169.

Depository Libraries

The board's staff Statement of Need and Reasonableness and other written testimony will be available at the following libraries in Minnesota: Polk County-Crookston Library, Crookston; Bemidji Public Library, Bemidji; Duluth Public Library, Duluth; Fergus Falls Public Library, Fergus Falls; Kitchigami Regional Library, Pine River; Crow River Regional Library, Willmar; Chippewa County Library, Montevideo; East Central Regional Library, Cambridge; Great River Regional Library, St. Cloud; Marshall-Lyon County Library, Marshall; Minnesota Valley Regional Library, Mankato; Rochester Public Library, Rochester; Environmental Conservation Library, 300 Nicollet Mall, Minneapolis; Public Library, Granite Falls; Public Library, Grand Rapids; and the Austin City Library, Austin.

May 28, 1981

Arthur E. Sidner, Chairman
Environmental Quality Board

Amendments as Proposed

6 MCAR § 3.072 Definitions.

H. "Large electric power generating plant study area" or "study area" means a general geographic area of land designated by the board for purposes of planning for future sites that meets inventory criteria and standards for a LEPGP of a specified capacity, fuel type and design.

P. "Developed portion of plant site" means the portion of the LEPGP site, exclusive of make-up water storage reservoirs or cooling ponds, where structures or other facilities or land uses necessary for plant operation preclude crop production.

Q. "Technical assumptions" means the assumptions necessary to evaluate resource requirements of a LEPGP of a specified capacity, fuel type and design and to evaluate the availability of resources to meet those requirements.

R. "Prime farmland" means those soils that meet the specifications of 7 C.F.R. § 657.5 (a) (1980).

S. "Community benefits" means those benefits to the local community, other than economic development, that result from power plant design or location. Examples include use of community solid waste as a supplemental fuel, joint water supply, improving the economic viability of existing rail lines and increased tax base.

6 MCAR § 3.074 H.1. Site selection criteria.

j. Preferred sites permit maximize opportunities for significant conservation of energy ~~or~~, utilization of by-products or biomass, cogeneration and development of waste-to-energy systems.

~~n. Preferred sites allow for future expansion.~~

6 MCAR § 3.074 H.1. o. and p. [Reletter as 6 MCAR § 3.074 H.1. n. and o.]

p. Preferred sites maximize the opportunities for community benefits and economic development.

6 MCAR § 3.074 H.3. Large electric power generating plant avoidance areas.

d. When there exists a feasible and prudent alternative with less adverse environmental and noncompensable human effects, no LEPGP site shall be selected where the developed portion of the plant site includes more than 0.25-0.75* acres of prime farmland per megawatt of net generating capacity, and no make-up water storage reservoir or cooling pond site shall be selected that includes more than 0.25-0.75* acres of prime farmland per megawatt of net generating capacity. These provisions shall not apply to areas located within home rule charter or statutory cities; areas located within two miles of home rule charter or statutory cities of the first, second and third class; or areas designated for orderly annexation under Minn. Stat. § 414.0325.

6 MCAR § 3.083 Identification of large electric power generating plant study areas.

A. Inventory criteria and standards. The following criteria and standards shall be used by the Board to prepare an inventory of large electric power generating plant study areas and by the utility and the Board to evaluate any proposed site not located within the appropriate study area.

1. Exclusion areas.

a. Criterion. Study areas shall be compatible with Board rules on exclusion criteria for LEPGP site selection.

b. Standard. Geographic areas identified in 6 MCAR § 3.074 H.2.b. shall not be part of any study area.

2. Air quality.

a. Criterion. Study areas for LEPGPs shall be compatible with existing federal and state air quality regulations and rules.

b. Standard. Study areas shall not include those areas in which operation of a LEPGP would likely result in violation of primary or secondary standards or exceedence of prevention of significant deterioration increments for sulfur dioxide or particulate matter as established under 42 U.S.C. §§ 7401-7642 (1980), Minn. Stat. § 116.07 and Minn. Rule APC 1.

3. Transportation.

a. Criterion. Study areas for coal-fired LEPGPs shall have reasonable access to existing transportation systems which are or can be made capable of transporting the required quantities of coal.

*Note: A range of numbers has been proposed for the allowable amount of prime farmland per megawatt. Ultimately, one specific number will be adopted for the developed portion of the plant site and one specific number for the reservoir or cooling pond site.

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PROPOSED RULES

b. Standard. In identifying study areas for coal-fired LEPGPs, "reasonable access" shall mean no more than 12 miles distant from the existing transportation system.

4. Water.

a. Criterion. Study areas for LEPGPs using evaporative cooling systems shall have reasonable access to an adequate water source.

b. Standards.

(1) In identifying study areas for LEPGPs using evaporative cooling, rivers and lakes shall be considered potential water sources.

(2) In identifying study areas for LEPGPs using evaporative cooling, "reasonable access" shall mean no more than 25 miles distant from the water source.

(3) In identifying study areas for LEPGPs using evaporative cooling, a water source shall be considered adequate if it appears likely to allow LEPGP operation through periods of historic low flows or historic low elevations, either by direct withdrawal or by using supplemental stored water. This evaluation shall be based on historic stream flows, cooling water system technology and the environmental, economic and engineering constraints of reservoir design related to size.

B. Application of inventory criteria and standards. The board shall adopt an inventory of study areas for the LEPGP capacities, fuel types and designs reasonably anticipated to be subject to application for a certificate of site compatibility in the near future. The inventory shall consist of the maps of the study areas; discussion of specific inventory criteria and standards and technical assumptions used to develop the maps; and discussion of the LEPGP capacities, fuel types, and designs for which the maps are developed. The board shall consult with board member agencies, utilities and other agencies or persons with applicable information as it develops the technical assumptions necessary for application of inventory criteria and standards.

Small Business Finance Agency

Proposed Rules Relating to Amendment of the General Provisions Section of Existing Rules of the Agency and the Making of Business Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Small Business Finance Agency proposed to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

Persons 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 seven 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 Minnesota Statutes, section 15.0412, subdivisions 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

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

M. Jean Laubach
Executive Director
Small Business Finance Agency
480 Cedar Street
St. Paul, Minnesota 55101
(612) 297-3547

Authority for the adoption of these rules is contained in Minn. Stat. § 362.53, subd. 4 (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Ms. Laubach upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and

PROPOSED RULES

Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Ms. Laubach.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Ms. Laubach.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Kent E. Ecklund, Vice Chairman
Small Business Finance Agency

Amendment as Proposed

4 MCAR § 14.001 Scope. These rules are made pursuant to Minn. Stat. § 362.53, subd. 4 (1980) to implement and make specific the provisions of the Act and relate to the providing of Pollution Control Loans and Business Loans.

Rules as Proposed (all new material)

4 MCAR § 14.005 Misrepresentation by applicant. The agency may forthwith reject any application, whether or not previously approved, may revoke any preliminary or final resolution prior to sale of the bonds approved thereby or may refuse to close any loan in the event that any information provided to the agency by the owner contains a material misrepresentation or omission. Each applicant shall have an affirmative duty and obligation to update and correct all information provided to the agency.

4 MCAR § 14.006 Severability. If any provision of these rules or the application thereof to any business or person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of any other part of this rule or any other rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule and the various applications thereof are declared to be severable.

Chapter Three: Business Loans (4 MCAR §§ 14.020-14.029)

4 MCAR § 14.020 Overview of procedure for approval of business loans.

A. Submission of application. To be eligible for a business loan, an owner shall make an application for a business loan pursuant to 4 MCAR § 14.021 of this rule on approved application forms of the agency.

B. Approval of application by executive director. The executive director shall process the application in accordance with the procedures and limitations set out in 4 MCAR § 14.021. The criteria the executive director shall use in approving an application for processing are set out in 4 MCAR § 14.021.

C. Acceptance for processing. Upon the determination by the executive director that business loan requested meets the eligibility requirements of 4 MCAR § 14.021, the agency shall determine pursuant to 4 MCAR § 14.023 if the agency intends to fund the requested business loan subject to final authorization by the agency.

D. Final authorization of business loan. Upon the determination by the agency that the loan requested pursuant to an application which has been accepted for processing can and should be funded, the agency shall adopt a resolution approving such loan, which resolution shall include a provision that the obligation of the agency to make the loan is contingent on the ability of the agency to sell its bonds on terms which the agency, in its sole discretion, deems acceptable. In addition, any such resolution may contain such other provisions and conditions as the agency, in its sole discretion, deems advisable.

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

4 MCAR § 14.021 Application procedures.

A. The owner shall submit to the agency copies of the completed application upon the forms provided by the agency.

B. Application shall be deemed to have been made upon receipt by the agency of a completed application with all required documentation and exhibits, together with the required fee specified in the application forms. In the event that an incomplete application is received, the executive director shall notify the applicant specifying the deficiencies. The applicant shall have 60 days from the date of the executive director's notification to complete such application. If the application is not completed within 60 days, the application shall be deemed to be rejected and the applicant must reapply to be further considered. In the event the executive director is able to determine from the information submitted on an incomplete application that the applicant is not an owner or the proceeds of the requested business loan are intended to finance expenditures not permitted under the Act, the executive director shall so notify the applicant.

C. Upon receiving a completed application, the executive director shall review the application and shall make a determination as to whether the applicant is an owner as defined in the Act or the proceeds of the requested business loan are intended to finance expenditures permitted under the Act.

D. Costs eligible for funding are the capital expenditures set forth in the Act, including the following:

1. Land and/or building acquisition costs,
2. Site preparation,
3. Construction costs,
4. Engineering costs,
5. Equipment and/or machinery,
6. Bond issuance costs,
7. Underwriting or placement fees,
8. Initial trustee's fee,
9. Initial fee of guarantor or insurer, if applicable,
10. Small Business Administration processing and administration fee, if applicable,
11. Minnesota Small Business Finance Agency fee,
12. Certain contingency costs,
13. Interest costs during construction, and
14. Legal fees, including those of agency's bond counsel.

The agency shall determine that an expenditure is not eligible for funding if in the opinion of the agency financing of such expenditure may adversely affect the exemption of the interest on the agency's evidences of indebtedness from federal income taxes.

E. After approving or disapproving an application, the executive director shall notify the applicant of the determination and the treatment of the application as follows:

1. If the executive director determines that the applicant is an owner as defined in the Act and that the costs specified in the application are eligible for funding, the application shall then be deemed accepted for processing and treated in accordance with the agency review provisions established in 4 MCAR § 14.023.

2. If the executive director determines that the applicant is not an owner as defined in the Act, the application shall be rejected and not further considered.

3. If the executive director determines that any of the costs described in the application are not eligible for funding, the executive director shall note the deficiencies in the application and shall so notify the owner. The owner shall have 30 days from the date of the executive director's notification to amend the application. In the event the application is amended in a timely fashion to include only eligible costs, it shall be treated in accordance with the agency review provisions established in 4 MCAR § 14.021 F. If the application is not properly amended within 30 days, the application shall be deemed rejected and not further considered.

F. In the event that an application is rejected for processing pursuant to 4 MCAR § 14.021 E.2. or 3., the applicant may, within 30 days after date of the notification by the executive director, request the executive director to submit the determination to the agency for review at the next regularly scheduled meeting of the agency for which the agenda has not been established. If the agency approves the application, the application shall be treated in accordance with 4 MCAR § 14.023.

4 MCAR § 14.022 Application content. Applications shall be on forms of the agency and shall include such information as the agency reasonably deems necessary.

4 MCAR § 14.023 Evaluation procedure. Applications approved for processing by the executive director shall be presented to the agency for approval or disapproval. If the agency disapproves the application, the executive director shall so notify the applicant. If the agency approves the business loan for funding it shall forthwith pass a preliminary resolution giving preliminary approval to the project to be financed from the loan proceeds and stating the name of the owner, a brief description of the project, and the amount of the loan. Such a resolution shall not obligate the agency to issue bonds or to fund any loan, but shall only constitute an expression of current intention of the agency to issue such bonds or to fund such a loan. The preliminary resolution may contain a time limit with respect to the issuance of the bonds, may be revoked or amended by the agency at any time prior to the final resolution of the agency without liability to the agency and may impose any conditions or requirements which the agency deems desirable. The executive director shall forthwith notify the applicant of the agency's approval and furnish the applicant a copy of the preliminary resolution.

The agency shall review and consider approval of an application for a business loan, on the basis of effectuating the purposes of the Act, including determinations regarding the following:

- A. That the applicant is an owner as defined in the Act,
- B. That the small business reasonably can be expected to maintain a sound financial condition and to retire the principal and pay the interest on the loan made or guaranteed in accordance with the terms of the loan agreement,
- C. That the project is economically feasible with a reasonable expectation that the life of its economic feasibility will exceed the maturity of the loan,
- D. That the project will create or maintain a sufficient number and type of jobs to justify agency participation in its financing,
- E. That the project feasibility is sufficient to allow the agency to sell the bonds required for its financing,
- F. That the project and its development is economically advantageous to the state, that the provision to meet increased demand upon public facilities as a result of the project is reasonably assured, and that energy sources to support the successful operation of the project are adequate,
- G. That if the project shall have the effect of a transfer of employment from one area of this state to another the agency determines that the project is economically advantageous to the state or that the project is necessary to the continued operation of the business enterprise within the state,
- H. That other criteria have been met which the agency has determined will effectuate the purposes of the Act.

4 MCAR §§ 14.024-14.029 [Reserved for future use.]

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ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Commerce Insurance Division

Adopted Rules Governing Group Insurance Coverage Replacement

The rules proposed and published at *State Register*, Volume 5, Number 31, pp. 1215-1217, February 9, 1981 (5 S.R. 1215) are adopted with the following amendments:

Amendments as Adopted

4 MCAR § 1.9251 Authority and scope. Rules 4 MCAR §§ 1.9251 ~~and through 1.9252~~ and through 1.92523 apply to all policies and subscriber contracts issued or provided by an insurance company, non-profit service plan corporation or health maintenance organization on a group basis, and are promulgated pursuant to the authority of Minn. Stat. § 60A.082.

4 MCAR § 1.9252 Definitions. For purposes of these rules "carrier" shall mean any insurance company as defined in Minn. Stat. § 60A.032, subd. 4; any service plan corporation as defined in Minn. Stat. § 62C.02, subd. 6; and any health maintenance organization as defined in Minn. Stat. § 62D.02, subd. 4.

4 MCAR § 1.92523 Continuation of coverage in situations involving replacement of one ~~insurer~~ carrier by another.

A. Purpose. The purpose of this rule is to indicate which ~~insurer~~ carrier is responsible for coverage in those cases where one ~~insurer's carrier's~~ carrier's plan of benefits replaces a prior plan which offered similar benefits.

B. Liability of the prior ~~insurer~~ carrier. The prior ~~insurer~~ carrier remains liable to the extent of its accrued liability and extension of benefits pursuant to its existing contractual liability at the time of replacement.

C. Liability of the succeeding ~~insurer~~ carrier.

1. Each individual who is eligible under the succeeding ~~insurer's carrier's~~ carrier's plan, with respect to provisions regarding class eligibility, activity at work, and non-confinement, shall be covered by the succeeding ~~insurer's carrier's~~ carrier's plan of benefits as of the effective date of that plan.

2. Each individual who is not eligible for coverage in accordance with 4 MCAR § 1.9252 C.1. shall nevertheless be covered by the succeeding ~~insurer~~ carrier in accordance with the following rules, provided that such individual (including an individual who has exercised the option for extension of benefits pursuant to Minn. Stat. §§ 62A.148 and 62A.17) was validly covered under the prior plan on the date it was discontinued and such individual is a member of a class of individuals otherwise eligible for coverage under the succeeding ~~insurer's~~ carrier's plan.

a. The minimum level of benefits which shall be provided by the succeeding ~~insurer~~ carrier shall be the lesser of:

(1) The benefits available under the prior ~~insurer's carrier's~~ carrier's plan reduced by any benefits payable by the prior ~~insurer~~ carrier; or

(2) The benefits available under the succeeding ~~insurer's~~ carrier's plan.

b. Coverage shall be provided by the succeeding ~~insurer~~ carrier pursuant to 4 MCAR § 1.9252 C.2. at least until the earlier of the following dates:

(1) The date the individual becomes eligible under the terms of the succeeding ~~insurer's carrier's~~ carrier's plan; or

(2) The date the individual's coverage would otherwise terminate, for each type of coverage, in accordance with the individual termination of coverage provisions of the succeeding ~~insurer's~~ carrier's plan.

3. Each individual subject to a pre-existing condition limitation contained in the succeeding ~~insurer's carrier's~~ carrier's plan shall nevertheless be covered by the succeeding ~~insurer~~ carrier, provided that such individual was validly covered under the prior

plan on the date it was discontinued. The minimum level of benefits which shall be provided by the succeeding ~~insurer~~ carrier for a pre-existing condition shall be the lesser of:

- a. The benefits of the new plan determined without regard to the pre-existing condition limitation; or
- b. The benefits of the prior plan.

4. In applying any deductible or waiting period in its plan, the succeeding ~~insurer~~ carrier shall give credit for the full or partial satisfaction of the same or similar provisions under the prior plan. In the case of deductible provisions, the credit shall apply for the same or overlapping benefit periods, to the extent the same expenses are recognized under the terms of the succeeding ~~insurer's~~ carrier's plan and are subject to a similar deductible provision.

5. In any situation where a determination of the prior ~~insurer's~~ carrier's benefits is required by the succeeding ~~insurer~~ carrier, at the succeeding ~~insurer's~~ carrier's request the prior ~~insurer~~ carrier shall furnish a statement of the benefits available and other pertinent information sufficient to permit the succeeding ~~insurer~~ carrier to verify or determine benefits.

6. Benefits of the prior plan shall be determined in accordance with the definitions, conditions, and covered expense provisions of the prior plan rather than those of the succeeding plan.

4 MCAR § ~~1.9253~~ § 1.9254 Reserved for future use.

Department of Economic Security Training and Community Services Division

Notice of Extension of Adopted Temporary Rules Governing Weatherization Assistance for Low-income People

The temporary rule proposed and published at *State Register*, Vol. 5, No. 33, pp. 1258-1262, February 16, 1981, (5 S.R. 1258), subsequently adopted, is now extended for 90 days.

Energy Agency Data & Analysis Division

Adopted Amendment to Rule Governing Permissible Quantity of Outdoor Display Lighting

The proposed amendment published at *State Register*, Volume 5, Number 28, p. 1111, January 12, 1981 (5 S.R. 1111), is adopted as of March 27, 1981. The adopted rule is identical to its proposed form.

Department of Revenue

Adopted Rules Governing the Apportionment of Railroad Operating Property to Counties and Taxing Districts (13 MCAR §§ 1.0022 and 1.0027)

The rules proposed and published at *State Register*, Volume 5, Number 38, pp. 1482-1487, March 23, 1981 (5 S.R. 1482) and Volume 5, Number 40, pp. 1572-1582, April 6, 1981 (5 S.R. 1572) are now adopted as proposed. There were no amendments.

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

Small Business Finance Agency

Adopted Rules Relating to the General Operating Procedures of the Agency and the Making of Pollution Control Loans

The rules as published at *State Register*, Volume 5, Number 33, pp. 1253-1255, February 16, 1981, (4 S.R. 1253) were adopted on April 22, 1981, approved by the Office of the Attorney General on May 21, 1981, and filed with the Office of the Secretary of State on May 21, 1981.

M. Jean Laubach
Executive Director

SUPREME COURT

Decisions Filed Friday, June 5, 1981

51128/Sp. John Grouse, Appellant, v. Group Health Plan, Inc. Hennepin County.

A prospective employer who revokes an offer of employment, after a prospective employee has terminated his employment elsewhere in reliance on such offer, is liable for any damages the prospective employee thereby sustained as a result of losing his previous employment.

Reversed and remanded. Otis, J.

51370/Sp. State of Minnesota v. William Nathaniel Upton, Appellant. St. Louis County.

Evidence of defendant's guilt of assault with a dangerous weapon was sufficient.

Trial court did not clearly abuse its discretion in permitting use of prior conviction to impeach defendant's credibility as a witness.

Affirmed. Todd, J.

51197/390 Harvey Patzwald, petitioner, v. Public Employment Relations Board, Appellant, and Independent School District No. 197, Appellant. Ramsey County.

A determination by the Director of the Bureau of Mediation Services that substitute drivers are not members of the bargaining unit is proper under the facts of this case.

We reverse the trial court's decision and reinstate the decision of the Director of the Bureau of Mediation Services as affirmed by the Public Employment Relations Board. Todd, J. Dissenting, Yetka, J.

51454/Sp. State of Minnesota v. William Earl Gorham, Appellant. St. Louis County.

Evidence was sufficient to establish that crime of aggravated robbery was committed.

Trial court did not prejudicially err in refusing to order pretrial psychiatric examination to determine defendant's competency for trial.

Trial court did not prejudicially err in (a) denying a defense request to prohibit the use of certain prior convictions for impeachment purposes or (b) refusing to submit theft as a necessarily included lesser offense justified by the evidence; defendant, by failing to request specified instruction on defense of claim of right, forfeited his right to have this court decide whether the trial court should have given such an instruction.

Affirmed. Yetka, J.

51487/Sp. Diane Brenner, Appellant, v. Dawn Fayette Nordby, Don Fields, etc. Nicollet County.

When genuine issues of material fact exist as to the contents of communications between the parties, and as to the reasonableness of plaintiff's reliance upon those communications, it was error to grant defendant's motion for summary judgment.

Reversed and remanded. Yetka, J.

51557/21 Lucille Buhs, petitioner, v. State of Minnesota, Department of Public Welfare, Appellant, Benton County Welfare Agency. Benton County.

Medicaid does not prohibit payment for chiropractic X rays.

DPW Rule 47, insofar as it prohibits medical assistance payments for chiropractic X rays, is invalid under both state and federal law.

Affirmed. Yetka, J.

51558/Sp. State of Minnesota v. Thomas Jay Kline, Appellant. Chisago County.

Evidence was sufficient to support conviction for aggravated robbery.

Defendant, by failing to object or seek curative instructions, is deemed to have forfeited his right to have this court consider his contention that the prosecutor's closing argument was improper and unfair.

Affirmed. Wahl, J.

51373/2 Paul C. Voight, Relator, v. Rettinger Transportation, Inc., et al, and Hennepin County Welfare Department, Relator, Workers' Compensation Court of Appeals.

The exclusionary clause contained in Minn. Stat. § 176.011, subd. 16 (1988) is inapplicable to this case as the shooting was neither intentional nor motivated by reasons personal to the employee.

A traveling employee is entitled to workers' compensation coverage while engaged in reasonable relaxation or recreational activities. Reasonable activities are those which may normally be expected of a traveling employee as opposed to those which are clearly unanticipated, unforeseeable and extraordinary.

Reversed and remanded. Amdahl, J. Dissenting, Peterson, J., and Otis, J. Took no part, Sheran, C. J., and Scott, J.

51253/Sp. State of Minnesota v. Thomas Charles Galde, Appellant. Houston County.

Trial court did not err in refusing to suppress (a) evidence seized in warranted search of defendant's apartment or (b) statements made by defendant to arresting officers at time of execution of search warrant.

Trial court did not abuse its discretion in refusing to impose sanctions for prosecutor's unintentional, nonprejudicial failure to comply with pretrial discovery order.

Trial court properly denied motion to compel disclosure of identity of informant.

Affirmed. Simonett, J.

51689/Sp. Bruce Williams v. Russell Boyer, et al, Appellants. Dakota County.

Reversed. Simonett, J.

51719/Sp. In re Marriage of: Marilyn J. Castonguay, petitioner, v. Paul R. Castonguay, et al, Appellants. Hennepin County.

Corporate restrictions on the sale or transfer of stock do not apply to involuntary transfers, such as a transfer ordered in a marriage dissolution proceeding, unless the restriction specifically refers to involuntary transfers.

In this case, where the trial court has transferred stock held by the husband in a closely held corporation to the wife as part of a marriage dissolution proceeding, it is appropriate to impose a voting trust in such shares, and the case is remanded for that purpose.

The trial court's finding as to valuation of shares of stock in a corporation solely owned by the husband has adequate evidentiary support.

Reversed and remanded in part, and affirmed in part. Simonett, J.

Decision Filed Tuesday, June 2, 1981

81-364/Sp. State of Minnesota, Appellant, v. Henry John Ludtke. Otter Tail County.

Limited protective weapons search of defendant was proper. Intrusion into defendant's pocket to seize soft package—which officer under the circumstances was justified in assuming was a plastic bag containing a controlled substance—was also proper.

Warrantless search of satchel found in lawful search of motor vehicle was proper, even if satchel was functional equivalent of a closed suitcase. Before search was conducted defendant volunteered that satchel contained contraband, therefore signaling that he no longer had expectation of privacy as to the contents of satchel.

Reversed and remanded for trial. Sheran, C. J.

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.

Department of Administration Intergovernmental Information Systems Advisory Council (IISAC) Notice of Request for Proposals for the Development, Publication, and Distribution of Public Information

The Intergovernmental Information Systems Advisory Council is issuing a request for proposal (RFP) which delineates the requirements for the development, publication, and distribution of articles which describe significant aspects of the state of automation within Minnesota local government.

The RFP may be obtained between June 15 and June 19, 1981, from:

Roger Sell
Executive Director
IISAC
245 East Sixth Street (Room 429)
St. Paul, MN 55101
Telephone: 612-297-2172

The deadline for submission of proposals is June 26, 1981, 5:00 p.m. The maximum amount of funds available for this effort is \$11,835.00.

Department of Administration Office of State Building Construction Notice of Availability of Contracts for Registered Professional Testing Services

The Department of Administration (DOA) intends to retain the services of qualified professionally registered individuals to conduct site and aerial surveys, materials testing, and soil borings and tests during the year commencing July 1, 1981. The fees associated with these projects will generally be less than \$2,000 although the fees for some projects will exceed this amount.

As projects arise, it is the intention of DOA to contact firms who have expressed an interest in providing such services to the state. The final selection will be made on the basis of the background and experience of the firm, the geographic proximity of the firm to the project site, and an estimate of the fees to be charged for the specific project. Such estimates will be requested when a specific project exists.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages outlining their background, qualifications, and fields of expertise to the Office of State Building Construction, Room G-10, State Administration Building, St. Paul, Minnesota 55155, Attention: George Iwan. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview. Firms which responded during the past year need not respond again.

The names of firms responding may be provided to other state agencies having a need for the services described herein.

Names of qualified firms will be retained on file with DOA until June 30, 1982.

Department of Administration Office of State Building Construction Notice of Availability of Contracts for Architects, Engineers, and Landscape Architects

The Department of Administration (DOA) intends to retain the services of qualified professionally registered architects,

engineers, and landscape architects to design, prepare construction drawings, and monitor construction of a number of projects during the year commencing July 1, 1981. These projects will be varied in nature and scope and will involve new construction, remodeling projects and facility studies. The cost of construction or remodeling projects will be less than \$400,000 and the fees associated with facility studies will be less than \$35,000. Particular emphasis will be placed on the background and experience of the firm on similar projects as well as the firm's geographic proximity to the project.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages giving qualifications and experience of the firm to the Office of State Building Construction, Room G-10, State Administration Building, St. Paul, Minnesota 55155, Attention: George Iwan. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview. Firms which responded during the past year need not respond again.

In submitting their brochures or resumes, firms shall indicate the area or areas of the list shown below in which they feel qualified.

- | | |
|------------------------------|------------------------------------|
| 1) Research and Programming | 9) Arts, including Performing Arts |
| 2) Educational | 10) Exhibition and Display |
| 3) Health and Medical | 11) Landscape and Site Planning |
| 4) Correctional | 12) Interiors |
| 5) Restoration | 13) Water and Waste Facilities |
| 6) Office and Administration | 14) Energy Supply and Distribution |
| 7) Recreational | 15) Pollution Control |
| 8) Service and Industrial | 16) Acoustics |

The name of firms responding may be provided to other state agencies having a need for the services described herein.

Names of qualified firms will be retained on file with DOA until June 30, 1982.

Designers for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board. Projects referred to the board will be advertised through board issued requests for proposal.

Department of Corrections Minnesota Correctional Facility—Red Wing

Notice of Availability of Contract for Psychological Evaluation Services

The program at the Minnesota Correctional Facility—Red Wing requires the services of a licensed psychologist. This person will provide the written psychological evaluation—through testing, interviews, etc.—on up to a twice-weekly basis for all new admissions to the institution, to re-test selected youths based upon specific staff referral, plus limited staff training in the area of his/her expertise. Payment is \$200.00 per 8-hour day. Annual cost is limited to \$19,000.00.

Notice of Availability of Contract for Volunteer Services Coordinator

The program at the Minnesota Correctional Facility—Red Wing requires the services of a volunteer coordinator. Position requires up to 50 hours per week for 10 months (September-June), and up to 15 hours per week for the two months of July and August. Responsibilities include the providing of professional volunteer services for juvenile clients at the institution through the recruiting and training of volunteers, plus the development of a coordinated scheduling of the volunteers to augment on-going programs. Payment is \$1,360.00 per month from September-June, and \$400.00 per month in July and August. Annual cost is limited to \$14,400.00.

For further information on either contract, contact:

Thomas P. Kernan, Assistant Superintendent
Minnesota Correctional Facility—Red Wing
Box 45
Red Wing, Minnesota 55066
Telephone: (612) 388-7154, ext. 227

The final submission date for either contract is June 30, 1981.

STATE CONTRACTS

Department of Corrections Minnesota Correctional Facility—Shakopee

Notice of Availability of Contract for Food Service Activity

Notice is hereby given to request proposals for the professional management of our food service activity at an annual cost not to exceed \$44,000. This proposal shall include all civilian personnel to operate the service. These proposals must be submitted by 4:00 P.M. June 26, 1981 to Will Dague, Business Manager.

Please contact Will Dague at 445-3717 if interested.

Department of Economic Security Program and Management Support Division

Notice of Request for Proposals for Review of Cost Accounting System

The Minnesota Department of Economic Security, Program and Management Support Division is seeking proposals for the review of its Cost Accounting System, and to prepare a report on its method of operation. This analysis will become the basis for a detailed Internal Procedures Manual.

Copies of the request for proposal (RFP), questions regarding the RFP and responses are to be addressed to:

State of Minnesota
Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101
Attention: John Burns, Director
Financial Services
(612) 296-3965

Responses will be accepted until close of business July 6, 1981. Project to be completed within 90 days of contract date. The state has estimated that the cost will not exceed \$12,000.

Department of Health Community Services Division

Notice of Request for Proposals for Educational Services Related to Child Abuse and Neglect

The Minnesota Department of Health is requesting proposals from interested agencies and persons to assist in development of the capacity of Minnesota health care professionals to use parent education effectively as a tool in the prevention of abuse and neglect of young children. Specifically, it requests proposals for:

1. Developing curriculum guidelines for health professionals to use in the development and delivery of educational services for parents and caregivers of infants and toddlers.
2. Building the capacity of health professionals to use the guidelines effectively through workshops and technical assistance.
3. Assisting health professionals to develop educational programs for parents in cooperation with other community-based resources.

Interested persons may obtain a Request For Proposal and further information by submitting a written request to:

Ronald G. Campbell, M.D., Chief
Section of Maternal and Child Health
Minnesota Department of Health
717 Delaware Street SE
Minneapolis, Minnesota 55440

It is anticipated that the activities to accomplish this goal will not exceed a total cost to the state of \$15,000.00. The deadline for the submission of completed proposals will be the close of the working day July 6, 1981.

Minnesota Community College System

Notice of Request for Proposals for Auditing Service

The Minnesota Community College System is requesting proposals for auditing service. The project will include an audit of the National Direct Student Loan Program, College Work-Study Program, Basic Educational Opportunity Grants Program, and will be performed in accordance with the financial and compliance elements as prescribed by the Federal Department of Education. The requested services are outlined in the Request for Proposals statement of work. The formal request for proposals may be requested and inquiries should be directed to:

Jerry Jarosch
Internal Auditor
Minnesota Community College System
550 Cedar St., 301 Capitol Square
St. Paul, Minnesota 55101
Phone No. 612-296-3935

It is anticipated that the activities to accomplish this audit will not exceed a total cost to the state of \$90,000. The deadline for submission of completed proposals will be the close of the working day of June 29, 1981.

Department of Public Service Utilities Division

Notice of Request for Proposal for Consultant Services Related to Electrical Rates

The Department of Public Service of the State of Minnesota is soliciting proposals from qualified consultants to assist in performing work to be conducted in connection with the anticipated petition to be filed around July 1, 1981 from Northern States Power Company for an increase in electric rates.

The consultant will be expected to perform the following tasks:

- A. Aid and assist the department staff in preparation for cross-examination of witnesses for the utility and other intervenors who are testifying regarding costs of capital, capital structure, coverage requirements and other financial issues.
- B. As a member of the department staff assigned to this case, develop and deliver direct testimony in response to the Northern States Power's proposal on each issue and present the department's recommendation on the issue.
- C. Be prepared to develop and deliver rebuttal and/or surrebuttal testimony on the same issues, as required.

The estimated cost of this contract is \$25,000.

The due date for proposals is July 1, 1981.

Direct inquiries to:

Ms. Linda Anthony
Contract Coordinator
Minnesota Department of Public Service
790 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101
612/297-2596

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 Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Medical Fee Review for Workers' Compensation

Notice is hereby given that the Insurance Division is seeking information or opinion from sources outside the agency in preparing to promulgate new rules governing medical fee review for workers' compensation. The promulgation of these rules is authorized by Laws of Minnesota 1981, Chapter 346, § 87. This section requires this agency to establish by rule procedures to "limit the charges allowable for medical, chiropractic, podiatric, surgical, hospital and other health care provider treatment or services, as defined and compensable under section 176.135, to the 75th percentile of usual and customary fees or charges based upon billings for each class of health care provider during all of the calendar year preceding the year in which the determination is made of the amount to be paid the health care provider for the billing."

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

William R. Howard
Assistant Commissioner of Insurance
500 Metro Square Building
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 297-2852 and in person at the above address.

All statements of information and comment shall be accepted until July 15, 1981. Any written material received by the Insurance Division shall become part of the record in the event that the rules are promulgated.

June 5, 1981

William R. Howard
Assistant Commissioner of Insurance

Department of Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Exempting Insurers from Certain Filing Requirements for Commercial Lines of Insurance

Notice is hereby given that the Insurance Division is seeking information or opinion from sources outside the agency in preparing to promulgate new rules exempting insurers and rate service organizations from certain filing requirements for commercial lines of insurance. The promulgation of these rules is authorized by Minn. Stat. § 70A.02, subd. 3. This subdivision permits the Commissioner of Insurance to exempt specific kinds of insurance from any of the provisions of Chapter 70A if he finds the application of those provisions unnecessary to achieve the purposes of that chapter.

The Insurance Division 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:

Matthew Glover
Insurance Division
500 Metro Square Building
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 297-2854 and in person at the above address.

Any written material received by the Insurance Division shall become part of the record in the event that the rules are promulgated.

June 8, 1981

William R. Howard
Assistant Commissioner of Insurance

Energy Agency Alternative Energy Development Division

Notice of Intent to Solicit Outside Opinion Concerning Rules Relating to the District Heating Bonding Act

Notice is hereby given that the Minnesota Energy Agency (hereinafter "agency") is soliciting information and opinions from sources outside the agency for the purpose of making rules authorized under the District Heating Bonding Act, Chapter 334, Laws of Minnesota 1981 (hereinafter "act").

The agency is considering promulgating rules covering three related but separate areas of district heating financing: 1) design loans; 2) planning grants; 3) design and construction loans. The first mentioned area will be subject to temporary rules until permanent rules can be prepared and adopted. The latter two areas will be subject only to permanent rules. Data and opinions in all areas are invited.

Temporary rules will be promulgated for the purpose of allowing those projects that have already completed comprehensive engineering, economic and design studies to quickly make proper application for, and in due course receive design loans. The temporary rules may differ substantially from the permanent rules. Information the agency is considering to require in the rule includes but is not limited to, the following:

A. The method and procedure by which a municipality makes application for financial aid under the act. Applicants may be required to provide, for example, a comprehensive business plan that contains no less than:

1. A preliminary engineering design of the heat source, distribution and transmission system, and customer conversions of selected major loads;
2. A market study that includes detailed information of fuel consumption and building heating system for 90% of the proposed thermal load;
3. A preliminary plan that shows how the system might be expanded to serve other parts of the community;
4. An economic analysis that includes: cash flow, income and balance sheet for a 20-year planning period;
5. Letters of intent from major customers (representing 50% of thermal load), to the owner of the heat source or the proposed system owner/operator;
6. An opinion by a registered professional engineer that the system described by the preliminary designs is technically feasible and that the preliminary engineering design and cost estimate is within standard engineering practice;
7. An opinion by a Certified Management Consultant that based on the assumptions in the preliminary economic analysis proceeding with the final planning phase of the projects is justified;
8. A resolution in support of the project from the governing body of the municipality;
9. A Negative Declaration from an Environmental Assessment Worksheet.

B. The criteria by which an application for financial aid under this act is reviewed. Priority may be given, for example, to those applications that:

1. Utilize coal or presently wasted heat,
2. Use hot water as a transfer medium.

All persons desiring to submit information or views on these or related subjects may do so either orally or in writing. Written or oral comment should be addressed to:

OFFICIAL NOTICES

Mr. Ronald Sundberg
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone (612) 296-9096

All statements of information and comments on the subjects of the temporary rules must be received by June 29, 1981. Opinions and views on the other areas will be received until further notice. Any written material received by this date will become part of the record of any rules bearing on these subjects.

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 business meeting at 10 a.m. Friday, July 10, at the Administration Building on the fairgrounds, Falcon Heights. Preceding the general meeting will be a meeting of the board's space rental committee at 9 a.m.

Minnesota State Retirement System

Regular Meeting, Board of Directors

The regular bi-monthly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, June 19, 1981, at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Pollution Control Agency

Application by the City of Worthington for a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit for its Wastewater Treatment Facility

Notice of Continuance of Hearing

Notice is hereby given that, pursuant to an order of the hearing examiner, the hearing in the above-entitled matter, originally scheduled to commence June 8, 1981, has been continued. The hearing will now be held on Monday, September 21, 1981, at the Farmers Room, Nobles County Courthouse, 315 Tenth Street, Worthington, Minnesota at 1:00 p.m.

It is anticipated that the hearing will be continued at 9:00 a.m. on Tuesday, September 22, 1981, at the same location and thereafter until adjournment. In addition, evening sessions will be held on both Tuesday, September 22, 1981, and Wednesday, September 23, 1981, commencing at 7:00 p.m. at the same location in order to provide an opportunity to participate to those who cannot attend the day session.

A second prehearing conference is scheduled for September 9, 1981, at 10:30 a.m., at the 4th Floor Conference Room, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113.

May 26, 1981

Louis J. Breimhurst
Executive Director

Pollution Control Agency Solid and Hazardous Waste Division

Notice of Intent to Solicit Outside Opinions and Information Concerning Revisions to the Minnesota Hazardous Waste Rules

Notice is hereby given that the Minnesota Pollution Control Agency (agency), is seeking opinions and information from

OFFICIAL NOTICES

sources outside the agency for the purpose of revising the state's hazardous waste rules in order to gain interim authorization and to lead towards final authorization from the United States Environmental Protection Agency (EPA), pursuant to 40 CFR, Part 123, of the federal hazardous waste program.

On June 18, 1979, the state's hazardous waste rules became effective which define hazardous waste and establishes requirements governing hazardous waste storage, transport, treatment and disposal. The EPA promulgated the federal hazardous waste regulations on May 19, 1980. In part, these regulations provide a method by which a state may obtain authorization from the EPA to operate its program in lieu of the federal program. In order for the state to obtain interim authorization, it must have a program "substantially equivalent" to the federal program. Therefore, rule revisions will be necessary to obtain this goal. These revisions would affect the general areas of hazardous waste identification, generator, transporter and facility standards.

All interested or affected persons or groups may submit information or comments on this subject of the proposed rule revisions either orally or in writing. All comments should be addressed to:

Minnesota Pollution Control Agency
Attention: Larry Christensen
1935 West County Road B-2
Roseville, Minnesota 55113
(612) 297-2705

Any written material received by this office will become part of the record of any rules hearing on this subject.

The proposed rule revisions will be written in at least three (3) segments; identification, generator and transporter standards, and facility standards. When a segment is completed, the agency will publish a notice stating that the completed portion is available for review and requesting public comment. All comments received will be considered for incorporation into the rules.

June 3, 1981

Louis J. Breimhurst
Executive Director

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

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