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# STATE REGISTER

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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 7			
52	Monday June 13	Monday June 20	Monday June 27
SCHEDULE FOR VOLUME 8			
1	Monday June 20	Friday June 24	Monday July 4
2	Monday June 27	Friday July 1	Monday July 11
3	Friday July 1	Monday July 11	Monday July 18

\*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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#### 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* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* 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	

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# PROPOSED RULES

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Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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## Minnesota Housing Finance Agency

### Proposed Rules Relating to Home Improvement Loan Applications (12 MCAR § 3.051 Eligible Applications)

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("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. § 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules within the 30-day comment period. The rule may be modified as the result of comments received 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 rule 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 *et seq.* 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:

Mary Tingerthal, Director  
Home Improvement Loan Programs  
Minnesota Housing Finance Agency  
Suite 200  
333 Sibley Street  
St. Paul, Minnesota 55101  
Telephone: 612/297-3126

Authority for the adoption of these rules is contained in Minn. Stat. § 462A.06, Subd. 4 and 11. 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 Mary Tingerthal upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and 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 Mary Tingerthal.

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

Please be advised that Minn. Stat. § 10A.03 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 as any individual:

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## ADOPTED RULES

(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, St. Paul, Minnesota 55155, (612) 296-5615.

June 8, 1983

James J. Solem  
Executive Director

### Rule as Proposed

12 MCAR § 3.051 Eligible applications.

A.-C. [Unchanged.]

D. The structure to be improved must be at least ~~15 years~~ 90 days old, ~~or in need of repair to correct damage resulting from a natural disaster, or in need of repair to correct defects or deficiencies which are hazardous to health or safety, or to directly improve energy efficiency.~~

E.-J. [Unchanged.]

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## ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 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 temporary rule will be published in the manner provided for adopted rules under § 14.18.

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## Department of Health

### Adopted Rules Governing Licensure Fees for Hospitals, Nursing Homes, Boarding Care Homes, Supervised Living Facilities and Outpatient Surgical Centers

The Department of Health adopts the following fee increases in accordance with the provisions of Minnesota Statutes 1982, sections 14.14, subdivision 1, and 16A.128; and Laws 1981, third special session, chapter 2, article 1, section 2, subdivision 4, clause (f). All fee increases in the rules have been approved by the commissioner of finance.

**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

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## Rules as Adopted

7 MCAR § 1.701 Licensure fees for hospitals, nursing homes, boarding care homes, supervised living facilities and outpatient surgical centers.

In accordance with Department of Health rules 7 MCAR §§ 1.044 V., 1.076 B.6., 1.392 B.5., and 1.413 M., each application for an initial or a renewal license to operate a hospital, nursing home, boarding care home, supervised living facility, or an outpatient surgical center shall be accompanied by a fee based upon the formula in 7 MCAR § 1.701, Exhibit I.

Each separate licensure classification requires a separate base fee. For example, a hospital with boarding care home beds must submit a \$450 base fee for the hospital and a \$50 base fee for the boarding care home plus the appropriate per bed fee for each licensure classification.

The fee schedule applies to all licenses issued on or after ~~January 1, 1982~~ July 1, 1983.

### 7 MCAR § 1.701, Exhibit I

#### Licensure Fees for Hospitals, Nursing Homes, Boarding Care Homes, Supervised Living Facilities, and Outpatient Surgical Centers

Licensure Classification	Base Fee	Per Bed Fee
Joint Commission on Accreditation of Hospitals		
accredited hospital	\$450	\$ 0
nonaccredited hospital	450 <u>68</u>	<del>25</del> <u>29</u>
		(including bassinets)
nursing home	<del>50</del> <u>68</u>	<del>+2</del> <u>16</u>
boarding care home	<del>50</del> <u>68</u>	<del>+2</del> <u>16</u>
supervised living facility	<del>50</del> <u>68</u>	<del>+2</del> <u>16</u>
outpatient surgical center	450	0

## Department of Public Safety State Fire Marshal Division

### Adopted Rules Governing Markings Required on Vehicles Having Concealed Pressurized Flammable Gas Tanks

The rules proposed and published at *State Register*, Volume 7, Number 38, pages 1335-1337, March 21, 1983 (7 S.R. 1335) are adopted as proposed.

## Department of Revenue Property Equalization Division

### Adopted Rules Governing the Valuation and Assessment of Railroad Operating Property

The rule proposed and published at *State Register*, Volume 7, Number 41, pages 1468-1469, April 11, 1983 (7 S.R. 1468) is adopted as proposed.



## Department of Revenue Property Equalization Division

### Adopted Rules Governing the Valuation and Assessment of Electric, Gas Distribution and Pipeline Companies (Utility Companies)

The rule proposed and published at *State Register*, Volume 7, Number 41, pages 1466-1468, April 11, 1983 (7 S.R. 1466) is adopted with the following modifications:

#### Rule as Adopted

##### 13 MCAR § 1.0003 Valuation.

D. Income approach to valuation. The income indicator of value will be estimated by weighting the net operating earnings of the utility company for the most recent three years as follows: most recent year, 40 percent; previous year, 35 percent; and final year, 25 percent. After considering, as far as possible, all conditions that may exist in the future that may affect the present annual return, including risk, life expectancy of the property, and cost of money, the capitalization rates used to compute value for the assessment will be: electric companies, 9.75 percent; gas distribution companies, 10.0 percent; and pipeline companies, 10.25 percent. The income indicator of value computed in accordance with D. will be weighted for each class of utility company as follows: electric companies, 15 percent; gas distribution companies, 25 percent; and pipeline companies, 25 percent.

The following example illustrations how the income indicator of value would be computed for a pipeline gas distribution company:

	1980	1981	1982
1. Net Operating Income	\$ 468,000	\$ 385,700	\$ 450,000
2. Capitalized Income @ 10%	4,680,000	3,857,000	\$4,500,000
3. Weighting Factor	25 percent	35 percent	40 percent
4. Weighted Capitalized Income	1,170,000	1,349,950	1,800,000
5. Total Income Indicator of Value			4,319,950

E. Unit value computation. The unit value of the utility company will be the total of the weighted indicators of value.

The following is an example of the computation of the unit value for a pipeline gas distribution company:

1. Cost Indicator of Value:

$$\$5,000,000 \times 75\% = \$3,750,000$$

2. Income Indicator of Value:

$$\$4,319,950 \times 25\% = \$1,079,987$$

3. Unit Value of Pipeline Gas Distribution Company:

$$100\% \quad \$4,829,987$$

Any company whose cost indicator was modified under 13 MCAR § 1.0003 C. to reflect the average cost per kilowatt adjustment of a plant or plants located in Minnesota shall have an alternative unit value computation made without giving effect to the modification in respect of such plant or plants.

**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.

# TAX COURT

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

## State of Minnesota

Chester and Helen Rog,  
Appellants,

v.

The Commissioner of Revenue,  
Appellee.

## Tax Court

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
ORDER FOR JUDGMENT AND MEMORANDUM

Order dated June 7, 1983  
Docket No. 3730

This is an appeal from an Order of the Commissioner of Revenue dated September 30, 1982, relating to a denial of 1977 income tax refund claimed by Appellants.

The matter came on for hearing before the Honorable Earl B. Gustafson, Judge of the Minnesota Tax Court, at the Hennepin County Government Center in Minneapolis, Minnesota, on May 17, 1983.

Chester Rog appeared pro se for Appellants.

Thomas K. Overton, Special Assistant Attorney General, appeared for the Appellee.

The Court now makes the following:

### Findings of Fact

1. Appellants' 1977 Minnesota income tax return and tax payment was due April 15, 1978.
2. Appellants did not file a 1977 Minnesota income tax return when due. They did, however, file a 1977 federal return on time.
3. On November 25, 1981, the Minnesota Department of Revenue prepared a 1977 return for Appellants assessing tax of \$2,382.00 plus penalty and interest.
4. On September 9, 1982, Appellants filed a 1977 Minnesota income tax return showing a net overpayment of \$510.37 and claimed a refund for the overpayment.
5. Minn. Stat. § 290.50, subd. 1(a), provides that no claim for refund can be allowed unless it is filed within three and one-half years from the date the return was due.
6. By Order dated September 30, 1982, the Commissioner of Revenue denied the refund claim because it was not filed within the applicable period of limitations but has dropped any claim for deficiency.
7. Appellants argue that their 1977 return filed in 1982 does not constitute a "claim" barred by the three and one-half year statute of limitations in Minn. Stat. § 280.50, subd. 1(a).

### Conclusions of Law

1. Appellants' claim for refund is barred by Minn. Stat. § 290.50, subd. 1(a).
2. The Commissioner's Order dated September 30, 1982, is affirmed.

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

June 7, 1983

By the Court,  
Earl B. Gustafson, Judge

### Memorandum

Appellants failed to file their 1977 Minnesota income tax return until 1982. They did, however, file their federal income tax return on time and also timely filed their 1977 and 1978 Minnesota property tax refund returns using their federal adjusted gross income as the basis for property tax refunds. Mr. Rog is generally familiar with income tax matters because he is working for the federal Internal Revenue Service during this period.

Appellants claim the statute of limitations does not apply to them because they actually are not making a claim for refund but merely "correcting" the 1977 return the Commissioner prepared in 1981 pursuant to Minn. Stat. § 290.47 which allows him to

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## STATE CONTRACTS

prepare and file a return based on available information when the taxpayer fails to file. According to this theory, a refund claim that is barred by the statute is revived if the Commissioner files a return on the taxpayers' behalf.

The statute of limitations makes no such distinction. Minn. Stat. § 290.50, subd. 1(a), barring late refund claims reads in pertinent part as follows:

. . . . Except as otherwise provided in this section, *no claim or refund* shall be allowed or made after three and one-half years from the date prescribed for filing the return . . . unless before the expiration of the period a claim is filed by the taxpayer. For this purpose *an income tax return or amended return claiming overpayment shall constitute a claim for refund.* (emphasis added)

Appellants filed their 1977 return on September 9, 1982, claiming a refund for overpayment. This is clearly barred by the statute. When the terms of a statute are unambiguous, they should be given their plain meaning and there is no need for interpretation.

E.B.G.

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## SUPREME COURT

### Decisions Filed Friday, June 10, 1983

#### Compiled by Wayne Tschimperle, Clerk

CX-82-916 United States Fire Insurance Company, Appellant, v. Erland Ammala, individually and d.b.a. Erland Ammala, defendant and third-party plaintiff, Wells Concrete Products Company, third-party defendant. Aitkin County.

The trial court erred in granting judgment NOV dismissing a builder's risk insurer's claim against a negligent subcontractor for the cost of repairing damage to a construction project caused by the subcontractor's negligence where it has not yet been determined whether the subcontractor's general liability insurance applies to the type of damage in dispute and the builder's risk policy is excess insurance and the liability policy is primary insurance.

Reversed and remanded. Yetka, J.

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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 final submission date of completed contract proposal.

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## Minnesota State Arts Board

### Notice of Availability of Design and Graphics Contract

The Minnesota State Arts Board requires the services of a qualified design firm for design and graphic services during fiscal year 1984. Such services may include the following projects:

- 1) Design and graphics for agency and program brochures.
- 2) Design and graphics for FY 83 agency annual report.

## STATE CONTRACTS

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- 3) Design and graphics for program publications.
- 4) Design and graphics for agency newsletter.

Total contract will not exceed \$15,000 and each project assigned will require a written estimate with no more than a 10% cost over run being allowed.

Firms wishing to be considered should submit a resume of their office and their work by July 20, 1983. This is not a request for proposal.

Responses to:

Mary Bremer  
Minnesota State Arts Board  
432 Summit Avenue  
St. Paul, MN 55102  
612-297-2603  
1-800-652-9747

## Department of Economic Security

### Notice of Request for Proposals for Technical Assistance

The Governor's Job Training Office of the Minnesota Department of Economic Security is requesting proposals to assist in the planning and development of a Management Information System (MIS) for the Job Training Partnership Act (JTPA). The system will be available to all Service Delivery Areas (SDA's) designated by the Governor to administer JTPA.

The project will require technical management, systems analysis, programming and other related services to be provided during the period from July, 1983 through June, 1984. Three phases of the project are anticipated. The first phase will require the development and installation of a JTPA participant tracking system by October 1, 1983. The second phase will require the development and installation of a JTPA statewide reporting system by March 31, 1984. The third phase will require modifications to current systems to meet 1985 JTPA requirements. The state may alter the scope of the project based upon changing JTPA requirements and the level of SDA participation.

Estimated costs of services required is \$75,000—\$180,000.

Request for proposal applications are available upon request. Submitted proposals must be received by the Department of Economic Security before 4:30 p.m., Tuesday, July 12, 1983.

Inquiries and requests for applications should be directed to:

Mary Zierdt  
Governor's Job Training Office  
690 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
(612) 296-6061

## Minnesota Waste Management Board

### Notice of Request for Proposals for Drilling/Coring

The Waste Management Board on June 9, 1983 identified 18 areas in the state as potential sites for deep underground burial of hazardous waste in competent crystalline rock. The board will narrow these areas to five (5) on July 28, 1983. These five sites will then undergo geologic examinations including drilling and coring.

Drilling is expected to commence around August 15, 1983 and be completed by October 31, 1983. Approximately 3-5 holes per site will be drilled with the drilled footage totaling about 1000 feet per site (i.e. each hole being about 200-500 feet deep). The full length of the hole is expected to be cored and sampled with a wire-line system; the desired size of the diamond core bit has been tentatively identified as NQ. The boreholes will likely be inclined from vertical, and usage of core orientation devices will be necessary in order to reconstruct the geometries of discontinuities and other features of the rock. The sites will contain a large percentage of exposed bedrock, therefore the boreholes are anticipated to encounter no (or minimal) drift overlying the rock. This, in conjunction with the competent nature of the granitic rocks, would render the use of casing unnecessary. It is presently

expected that the effort will require the use of one drilling rig; however potential scheduling problems may necessitate the availability of two machines. The State will provide continuous on-site geologic inspection of the work and would place preference on a two-, or three-shift day, and 6-day per week drilling/coring program. At the conclusion of the boring, the holes will be capped but not permanently sealed. No logging or other reporting will be requested of the drilling contractor.

This announcement requests proposals from potential contractors to be submitted no later than 4:30 p.m., 7/11/83. The proposals need not address the specific expenses associated with mobilization/demobilization and moving from and to each site; however, unit prices for such items must be included in the proposals.

The selection of the drilling contractor will be based on the experience, qualifications, the availability of proper type and number of equipment (as explained above), the proposed expenditures, and any potential conflicts of interest.

Proposals should be submitted to: Memos P. Katsoulis, Project Manager, Waste Management Board, 7323-58th Avenue North, Crystal, Minnesota 55428.

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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.

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### Office of Administrative Hearings

#### **Notice of Intent to Solicit Information and Opinions from Sources Outside of the Agency on Adoption of Rules Relating to Workers' Compensation, Rulemaking and Contested Case Hearings**

Pursuant to the provisions of Minn. Stat. § 14.10, notice is hereby given that the Office of Administrative Hearings will be soliciting comments and suggestions from persons outside of the agency on the subject of adoption of new rules, amendments to existing rules or repeal of existing rules. The rules involved will be the procedural rules relating to workers' compensation, rulemaking and contested case hearings.

The office will be soliciting these comments from other state agencies, representatives of the legislature and persons who regularly appear at the named hearings. The office will accept comments and suggestions from the date of this notice through the fiscal year ending June 30, 1984.

It is intended that the workers' compensation rules will be immediately amended in order to implement the provisions of laws passed by the 1983 Legislature and be subsequently readopted as joint rules with the Department of Labor and Industry. The rulemaking and contested case rules will be amended to clarify existing rules and may be further amended depending upon the comments and suggestions received and the results of a review of the Administrative Procedure Act to be conducted by the Governor's Office and by the Legislative Commission to Review Administrative Rules.

Comments, suggestions or questions may be directed to: Duane R. Harves, Chief Hearing Examiner, 400 Summit Bank Building, 310-4th Avenue South, Minneapolis, Minnesota 55415; telephone 612/341-7640.

## **Minnesota Department of Agriculture Agronomy Services Division**

### **Notice of Special Local Need (SLN) Registration for "Copper Sulfate"**

Pursuant to Minnesota Statutes, Section 18A.23, and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture (MDA) on June 2, 1983, issued a Special Local Need (SLN) Registration for Copper Sulfate, manufactured by Tennessee Chemical Company, Atlanta Georgia.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration permits the use of this product as a fish repellent or stimulant to increase the rate of harvest from fish rearing ponds.

The application and other data required under Minnesota Statutes §§ 18A.22, subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B, relative to this registration (identified as SLN No. MN83-0009) is on file for inspection at:

Minnesota Department of Agriculture  
Agronomy Services Division  
Pesticide Control Section  
90 West Plato Boulevard  
St. Paul, Minnesota 55107  
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minnesota Statutes, Chapter 15, for the purpose of revoking, amending, or upholding this registration.

June 2, 1983

Jim Nichols, Commissioner

## **Department of Commerce Insurance Division**

### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Relating to Unfair Trade Practices**

Notice is hereby given that the Insurance Division is seeking information or opinions from persons outside the agency in preparing to promulgate new rules relating to unfair trade practices. Promulgation of these rules is authorized by Minnesota Statutes, section 72A.19.

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 to: Dale McDonnell, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3301.

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

Reynaud L. Harp  
Commissioner of Insurance

## **Department of Commerce Insurance Division**

### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Relating to Nonrenewal of Automobile Policies**

Notice is hereby given that the Insurance Division is seeking information or opinions from persons outside the agency in preparing to promulgate new rules relating to nonrenewal of automobile policies. Promulgation of these rules is authorized by Minnesota Laws, ch. 203 (Minn. Stat. § 65B.17).

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 to: William Kyle, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-6944.

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

Reynaud L. Harp  
Commissioner of Insurance

## **Competitive State Insurance Fund Board of Directors**

### **Notice of the Creation of the Board of Directors of the Competitive State Insurance Fund (In H.F. 575 passed into law this past session, article 2, sec. 2, subd. 2, the board was created.)**

The initial board of directors shall be appointed by the governor and shall consist of seven members, and the commissioner of labor and industry. Each member of the initial board shall be either an employer or employee.

Anyone interested in one of these positions should contact Steve Goff at 296-2342.

## **Department of Economic Security**

### **Notice of Intent to Adopt Rules**

The Department of Economic Security is drafting rules to govern the Minnesota Emergency Employment Development (MEED) Act. Comments are welcome from any individual or organization on sections of the legislation viewed as problematic or requiring clarification.

Written comments should be addressed to:

Don Buckner, Project Manager  
MN Emergency Employment Development Program  
390 North Robert Street  
St. Paul, MN 55102

Comments should be submitted by July 1, 1984.

## **OFFICIAL NOTICES**

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### **Department of Education Special Services Division**

#### **Notice to All Private Vocational Schools and Solicitors Subject to Minnesota Statutes Chapter 141**

Pursuant to 1983 legislative action, House File No. 1283, section 2, subdivision 6 (b) effective July 1, 1983, the initial private trade school license fee is established at \$440; renewal of private trade school license fee is established at \$330; solicitor permit fees is established at \$165.

### **Department of Energy, Planning and Development Office of Local Government Planning Division**

#### **Notice of Meeting**

The Juvenile Justice Advisory Committee will meet on Friday, June 24, 1983 at 9:00 a.m. in Conference Room A, East Wing, 1st Floor, Veterans' Service Building, 20 W. 12th St., St. Paul, Mn.

### **Department of Energy, Planning and Development Office of Local Government Planning Division**

#### **Notice of Intent to Establish the Minnesota Task Force on Juvenile Code Recodification**

The Minnesota Juvenile Justice Advisory Committee (JJAC) proposes to fund a Minnesota Task Force on Juvenile Code Recodification. The Task Force will study the Minnesota juvenile code and its relationship to the child welfare laws, and will make recommendations to the 1985 Legislature on recodifying the juvenile code. Appointments to the Task Force will be made by the Director of the State Planning Agency. The deadline for application is July 15, 1983.

Application forms and further information may be obtained by contacting:

Criminal Justice Program  
Office of Local Government  
Department of Energy, Planning and Development  
100 Hanover Building, 480 Cedar Street  
St. Paul, MN 55101  
(612) 296-3133

### **Department of Labor & Industry Workers' Compensation Division**

#### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Temporary Rules Governing Workers' Compensation Disability Schedules**

Notice is hereby given that the State Department of Labor & Industry is seeking information or opinions from sources outside the agency in preparing to promulgate temporary rules governing Workers' Compensation Disability Schedules. The promulgation of these rules is authorized by Minnesota Statutes section 176.105, which requires the agency to establish a disability schedule in which the aggregate total of permanent partial disability under the new schedule is approximately equal to the current schedule under Minnesota statute 176.101, Subd. 3.

The State Department of Labor & Industry 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 Commissioner Steve Keefe, 444 Lafayette Road, St. Paul, MN 55101.



Oral Statements will be received during regular business hours over the telephone at 296-2342 and in person at the above address. Any written material received by the State Department of Labor & Industry shall become part of the record in the event that the rules are promulgated. All statements of information and comment shall be accepted until July 31.

Steve Keefe  
Commissioner of Labor & Industry

## Department of Public Welfare Health Care Programs

### Request for Comment on Proposed Sliding Fee Schedule for Alternative Care Grants Program

Under the Alternative Care Grants Program, the Commissioner of the Department of Public Welfare provides grants to participating counties to pay costs of providing alternative care to nursing home care, for eligible individuals.

Minnesota Session Laws of 1983, Chapter 199, requires the commissioner to establish a sliding fee schedule for requiring payment for the cost of providing care to persons who are eligible for alternative care grants but who are not yet eligible for Medical Assistance. The sliding fee schedule is not subject to Minnesota Statutes, chapter 14.

Interested persons may submit comments on the proposed sliding fee schedule until July 20, 1983. The proposed schedule may be changed based upon the comments received. Submit comments to:

Barbara Colliander  
Department of Public Welfare  
Health Care Programs  
Space Center Building  
444 Lafayette Road  
St. Paul MN 55101

#### SLIDING FEE SCHEDULE FOR ALTERNATIVE CARE GRANTS PROGRAM

##### Alternative Care Grant

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

The monthly amount which a person shall pay is the lesser of the cost of the alternative care services or the sum of the amounts determined from Exhibits 1 and 2.

The amount shall be calculated when alternative care services begin and shall remain constant until the person's income and liquid assets reach the point where the person is eligible for the Medical Assistance Program.

Exhibit 1  
Sliding Fee Schedule: Income

Annual Gross Income	Family Size			
	1	2	3	4
0 - 10,000	0	0	0	0
10,001 - 11,000	9	0	0	0
11,001 - 12,000	18	0	0	0
12,001 - 13,000	29	9	0	0
13,001 - 14,000	43	18	0	0
14,001 - 15,000	61	29	9	0
15,001 - 16,000	84	43	18	0
16,001 - 17,000	113	61	29	9
17,001 - 18,000	149	84	43	18
18,001 - 19,000	193	113	61	29
19,001 - 20,000	NE	149	84	43

NE—Not eligible for alternative care grants under 12 MCAR § 2.065 H.1.

Annual gross income is any income, earned or unearned, and any gift or benefit which is received by or available to a person.

# OFFICIAL NOTICES

The family size is the number of persons in the group composed of the client, a spouse, and legal dependents of the client as defined for federal income tax purposes.

## Exhibit 2 Sliding Fee Schedule: Liquid Assets

Liquid Assets	Family Size	
	1	2
Under 3,000	MA	MA
3,000 - 5,999	0	MA
6,000 - 8,999	42	0
9,000 - 11,999	83	42
12,000 - 14,999	125	83
15,000 - 17,999	166	125
18,000 - 20,999	NE	166
21,000 and over	NE	NE

MA—Meets resource criteria for medical assistance.

NE—Not eligible for alternative care grants under 12 MCAR § 2.065 H.1.

The county shall report to the department the income received from fees. The department shall use this income to reduce the state and local liability for alternative care expenditures for the persons not eligible for medical assistance.

## Department of Public Welfare Bureau of Support Services Long-term Care Division

### Notice of Intent to Solicit Outside Opinions on Proposed Temporary Rules to Replace DPW Rule 52 (12 MCAR § 2.052)

Notice is hereby given that the Minnesota Department of Public Welfare plans to promulgate temporary rules effective October 1, 1983 pursuant to Minnesota Statutes 1983, Chapter 256B. This temporary rule will govern reimbursement to intermediate care facilities for the mentally retarded (ICF/MR) by the Medical Assistance program and will replace DPW Rule 52 (12 MCAR § 2.052).

All interested or affected persons or groups are requested to participate by providing information or comments on the issues surrounding the current setting method.

Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Maria Gomez  
Long-Term Care Rates Division  
Department of Public Welfare  
4th Floor, Centennial Building  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at 612/297-3583.

All statements of information and comment must be received by July 18, 1983.

## Minnesota Sentencing Guidelines Commission

### Notice of Public Hearing to Consider Modifications to Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 21, 1983, at 5:00 p.m., in Room 22 of the State Office Building, St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines primarily as they relate to:

- a) jail credit for offenders who are revoked and imprisoned,
- b) durations of sentences, and
- c) severity ranking of new legislation

Copies of the proposed modifications are available, free of charge, by contacting the Minnesota Sentencing Guidelines Commission at Suite 598, Metro Square Building, 7th and Robert Street, St. Paul, MN 55101, or by calling (612) 296-0144.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/phone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On or about July 28, 1983, the Commission will meet to formally adopt or reject the proposed modifications. If adopted, the modifications will become effective August 1, 1983, and will have the same force and effect as the language it is replacing.

#### **Proposed Modifications**

Section II.B. (Criminal History) is modified as follows:

1. Subject to the conditions listed below, the offender is assigned one point for every felony conviction for which a felony sentence was stayed or imposed before the current sentencing.

(Rev. Eff. 8/1/82)

a. When multiple sentences for a single course of conduct were imposed pursuant to Minn. Stats. § § 609.585 or 609.251, the offender is assigned one point;

2. The offender is assigned one point if he or she was on probation or parole or confined in a jail, workhouse, or prison following conviction of a felony or gross misdemeanor, or released pending sentencing at the time the felony was committed for which he or she is being sentenced.

The offender will not be assigned a point under this item when:

- a. the person was committed for treatment or examination pursuant to Minn. R. Crim. P. § 20; or
- b. the person was on juvenile probation or parole status at the time the felony was committed for which he or she is being sentenced.

An additional three months shall be added to the duration of the appropriate cell time which then becomes the presumptive duration when:

- a. a custody status point is assigned; and
- b. the criminal history points that accrue to the offender without the addition of the custody status point places the offender in the right hand column of the Sentencing Guidelines Grid.

3. Subject to the conditions listed below, the offender is assigned one unit for each misdemeanor conviction and two units for each gross misdemeanor conviction (excluding traffic offenses with the exception of DWI and aggravated DWI offenses when the current conviction offense is criminal vehicular operation) for which a sentence was stayed or imposed before the current sentencing. Four such units shall equal one point on the criminal history score, and no offender shall receive more than one point for prior misdemeanor or gross misdemeanor convictions.

d. A prior misdemeanor sentence shall not be used in computing the criminal history score if a period of ten years has elapsed since the offender was adjudicated guilty for that offense. However, this does not apply to misdemeanor sentences that result from successful completion of a stay of imposition for a felony conviction.

(Rev. Eff. 8/1/82)

4. The offender is assigned one point for every two juvenile adjudications for offenses committed and prosecuted as a juvenile that would have been felonies if committed by an adult, provided that:

- a. Findings were made by the juvenile court pursuant to an admission in court or after trial;
- b. Each offense represented a separate behavioral incident or involved separate victims in a single behavioral incident;
- c. The juvenile adjudications were pursuant to offenses occurring occurred after the offender's sixteenth birthday;
- d. The offender had not attained the age of twenty-one at the time the felony was committed for which he or she is being currently sentenced; and

## OFFICIAL NOTICES

e. No offender may receive more than one point for ~~prior juvenile adjudications~~ offenses committed and prosecuted as a juvenile.

Section II.C. Presumptive Sentence) is modified as follows:

E. **Presumptive Sentence:** The offense of conviction determines the appropriate severity level on the vertical axis. The offender's criminal history score, computed according to section B above, determines the appropriate location on the horizontal axis. The presumptive fixed sentence for a felony conviction is found in the Sentencing Guidelines Grid cell at the intersection of the column defined by the criminal history score and the row defined by the offense severity level. The offenses within the Sentencing Guidelines Grid are presumptive with respect to the duration of the sentence and whether imposition or execution of the felony sentence should be stayed.

(Rev. Eff. 8/1/82)

The line on the Sentencing Guidelines Grid demarcates those cases for whom the presumptive sentence is executed from those for whom the presumptive sentence is stayed. For cases contained in cells below and to the right of the line, the sentence should be executed. For cases contained in cells above and to the left of the line, the sentence should be stayed, unless the conviction offense carries a mandatory minimum sentence.

When the current conviction offense is burglary of an occupied dwelling (Minn. Stat. § 609.582, subd. 1(a) ) and there was a previous adjudication of guilt for a felony burglary that was imposed before the current offense occurred, the presumptive disposition is Commitment to the Commissioner of Corrections. The presumptive duration of sentence is the fixed duration indicated in the appropriate cell of the Sentencing Guidelines Grid.

Every cell in the Sentencing Guidelines Grid provides a fixed duration of sentence. For cells below the solid line, the guidelines provide both a presumptive prison sentence and a range of time for that sentence. Any prison sentence duration pronounced by the sentencing judge which is outside the range of the presumptive duration is a departure from the guidelines, regardless of whether the sentence is executed or stayed, and requires written reasons from the judge pursuant to Minn. Stat. § 244.10, subd. 2, and section E of these guidelines.

Section II.E. (Mandatory Sentences) is modified as follows:

E. **Mandatory Sentences:** When an offender has been convicted of an offense with a mandatory minimum sentence of one year and one day, the presumptive duration of the prison sentence should be ~~18 months~~ one year and one day or the duration of prison sentence provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer.

When an offender has been convicted of an offense with a mandatory minimum sentence of three years, the presumptive duration of the prison sentence should be ~~54~~ 36 months or the duration provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer.

When an offender has been convicted of an offense with a mandatory minimum sentence of five years, the presumptive duration of the prison sentence should be ~~90~~ 60 months or the duration provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer. First degree murder, which has a mandatory life imprisonment sentence, is excluded from offenses covered by the sentencing guidelines.

~~Because good time reductions do not apply to mandatory minimum sentences under Minnesota law, the intent of this provision is to provide all incarcerated inmates with equal incentive for good behavior, thereby alleviating potential institutional management problems.~~

(Rev. Eff. 8/1/82)

Section III.C. (Jail Credit) is modified as follows:

C. **Jail Credit:** Pursuant to Minn. Stat. § 609.145, subd. 2, and Minn. R. Crim. P. § 27.03, subd. 4(b), when a convicted felon is committed to the custody of the Commissioner of Corrections, the court shall assure that the record accurately reflects all time spent in custody between arrest and sentencing, including examinations under Minn. R. Crim. P. § 20, for the offense or behavioral incident for which the person is sentenced, which time shall be deducted by the Commissioner of Corrections from the sentence imposed. Time spent in confinement as a condition of a stayed sentence when the stay is later revoked and the offender committed to the custody of the Commissioner of Corrections shall ~~not~~ be included in the above record, ~~however,~~ and shall ~~not~~ be deducted from the sentence imposed. Time spent in confinement under Huber Law (Minn. Stat. § 631.425) shall be awarded at the rate of twelve hours for each 24 hour period. See *Vežina v. State* 289 N.W.2d 408 (Minn. 1979) and *State ex. rel. Ahern v. Young*, 273 Minn. 240, 141 N.W.2d 15 (1966), *State v. Deschampe* 332 N.W.2d 18 (Minn. 1983).

(Rev. Eff. 8/1/82)

Section IV. (Sentencing Guidelines Grid) is modified as follows:

(See Attachment on Page 1809)

IV. SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure.

Offenders with nonimprisonment felony sentences are subject to jail time according to law.

CRIMINAL HISTORY SCORE

SEVERITY LEVELS OF CONVICTION OFFENSE		0	1	2	3	4	5	6 or more
<i>Unauthorized Use of Motor Vehicle</i>	<b>I</b>	12*	12*	12*	13	15	17	19 18-20
<i>Possession of Marijuana</i>								
<i>Theft Related Crimes (\$250-\$2500)</i>	<b>II</b>	12*	12*	13	15	17	19	21 20-22
<i>Aggravated Forgery (\$250-\$2500)</i>								
<i>Theft Crimes (\$250-\$2500)</i>	<b>III</b>	12*	13	15	17	19 18-20	22 21-23	25 24-26
<i>Nonresidential Burglary</i>	<b>IV</b>	12*	14	16	18	20 19-21	23 22-24	26 25-27
<i>Theft Crimes (over \$2500)</i>								
<i>Residential Burglary</i>	<b>V</b>	14	17	20	23 22-24	26 25-27	29 28-30	32 31-33
<i>Simple Robbery</i>								
<i>Assault, 2nd Degree</i>	<b>VI</b>	18	21	24	27 26-28	30 29-31	33 32-34	36 35-37
<i>Aggravated Robbery</i>	<b>VII</b>	24 23-25	32 30-34	36 35-37	40 39-41	44 43-45	48 47-49	52 50-54
<i>Criminal Sexual Conduct, 1st Degree</i>	<b>VIII</b>	43 41-45	54 52-56	60 58-62	68 65-71	76 73-79	84 81-87	92 88-96
<i>Assault, 1st Degree</i>								
<i>Murder, 3rd Degree</i>	<b>IX</b>	105 102-108	115 112-118	125 121-129	140 135-145	155 150-160	170 165-175	185 179-191
<i>Murder, 2nd Degree (felony murder)</i>								
<i>Murder, 2nd Degree (with intent)</i>	<b>X</b>	120 116-124	135 131-139	150 145-155	185 179-191	205 195-215	230 220-240	260 250-270

1st Degree Murder is excluded from the guidelines by law and continues to have a mandatory life sentence.

\*one year and one day

# OFFICIAL NOTICES

Section V. (Offense Severity Reference Table) is modified as follows:

- X Adulteration - 609.687, subd. 3(1)  
Murder 2(1) - 609.19
- IX Murder 2 (2)
- VII Burglary - 609.58, subd. 2(1)(b)  
Burglary 1 - 609.582, subd. 1(b) & (c)
- VI Burglary - 609.58, subd. 2(2)  
Burglary 1 - 609.582, subd. 1(a)
- V Burglary 2 - 609.582, subd. 2 (a) & (b)  
Criminal Negligence Vehicular Operation - 609.21, subd. 1  
Possession of Incendiary Device - 299F.79; 299F.811; 299F.815; 299F.82, subd. 1
- IV Accidents - 169.09, subd. 14 (a)  
Adulteration - 609.687, subd. 3 (2)  
~~Burglary - 609.58, subd. 2(1)(a) & (c), & (3)~~  
Burglary 2 - 609.582, subd. 2 (c) & (d)  
Burglary 3 - 609.582, subd. 3  
False Imprisonment - 609.255, subd. 3  
Malicious Punishment of Child - 609.377  
Neglect of Child - 609.378  
Tax Evasion - 290.53, subds. 4 & 8  
Tax Withheld at Source; Fraud (over \$2,500) - 290.92  
subd. 25 (5) & (12); 290A.11, subd. 2  
Theft of Controlled Substances - 609.52 (subd. 3(1))
- III Accidents - 169.09, subd. 1Y (2)  
Criminal Vehicular Operation - 609.21, subd. 2  
False Imprisonment - 609.255, subd. 2  
Tax Withheld at Source; Fraud (\$301-\$2,500) - 290.92, subd. 25(5)  
& (12); 290A.11, subd. 2  
Tear Gas & Tear Gas Compounds - 624.731, subd. 3(b)  
Theft Crimes - \$150 \$250-\$2,500 (See Theft Offense List)  
Theft of Controlled Substances - 609.52, subd. 3(2)  
Theft Related Crimes - Over \$2,500 (See Theft Related Offense List)
- II Aggravated Forgery (\$150 \$250-\$2,500) - 609.625  
Theft Related Crimes - \$150 \$250-\$2,500 (See Theft Related Offense List)
- I Assault 4 - 609.2231  
Aggravated Forgery (Less than \$150 \$250) - 609.625  
Forgery - 609.63; and Forgery Related Crimes

## **Department of Transportation**

### **Petition of Clearwater County for a Variance from State Aid Standards for Shoulder Width, Inslope, and Recovery Area**

Notice is hereby given that the County Board of Clearwater County has made a written request to the Commissioner of Transportation for a variance from minimum standards for a resurfacing project on CSAH 28 from the Burlington Northern Railroad to the Clearwater River (0.47 mile).

The request is for a variance from 14 MCAR § 1.5032 H.1.d. Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978) as amended, so as to permit a shoulder width of 1 instead of 4 feet, an inslope of 3:1 instead of 4:1, and a recovery area of 12 instead of 20 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 10th day of June, 1983

Richard P. Braun  
Commissioner of Transportation

### **Petition of Lake of the Woods County for a Variance from State Aid Standards for Surface Width**

Notice is hereby given that the County Board of Lake of the Woods County has made a written request to the Commissioner of Transportation for a variance from minimum design standards for surface width for CSAH 34 from CSAH 8 to Zippel Bay State Park.

The request is for a variance from 14 MCAR § 1.5032 H.1.d. Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978) as amended, so as to permit a minimum surface width of 20 feet instead of the required 22 feet for resurfacing.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 7th day of June, 1983

Richard P. Braun  
Commissioner of Transportation

## **Minnesota Water Resources Board**

### **Notice of Hearing on the Appeal of Mr. Donald Mason**

A hearing on an Appeal by Mr. Donald Mason to the Thirty Lakes Watershed District's denial of certain permit applications to place fill along North Long Lake will begin at 10:00 a.m. on Thursday, July 7, 1983, at the Crow Wing County Social Services Building (located behind the County Courthouse at 326 Laurel) in Brainerd, Minnesota.

Copies of the complete notice are available from the Minnesota Water Resources Board, 555 Wabasha Street, Room 206, St. Paul, Minnesota 55102, (612) 296-2840.

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