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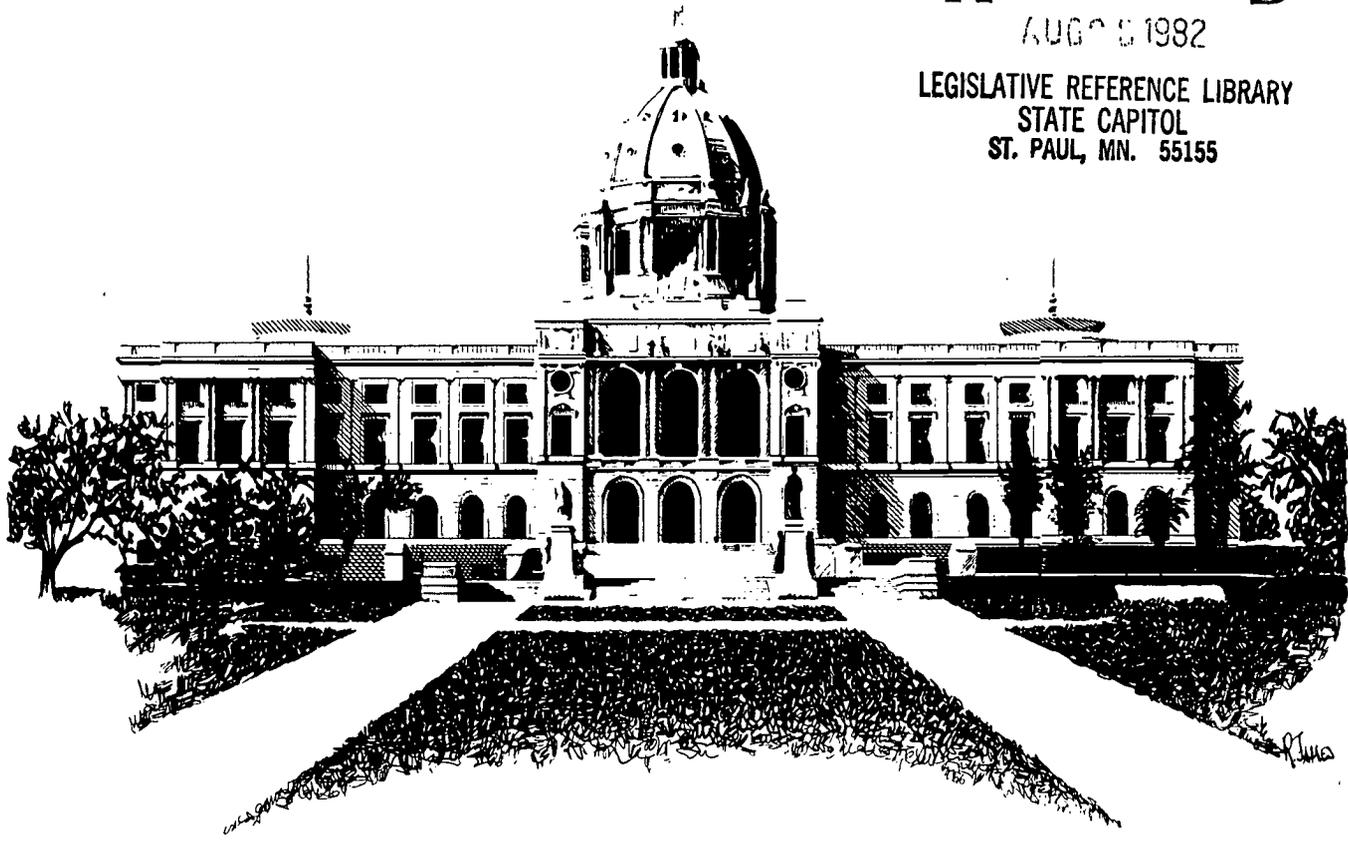
STATE REGISTER

STATE OF MINNESOTA

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VOLUME 7, NUMBER 8

August 23, 1982

Pages 225-240



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			
9	Monday Aug 16	Monday Aug 23	Monday Aug 30
10	Monday Aug 23	Monday Aug 30	Monday Sept 6
11	Monday Aug 30	Friday Sept 3	Monday Sept 13
12	Monday Sept 6	Monday Sept 13	Monday Sept 20

*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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

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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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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	

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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, subsd. 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 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Economic Security**Proposed Temporary Rule Governing the Unemployment Insurance Program Relating to Unavailable Wages from Seasonal Employment (8 MCAR § 4.3012)****Request for Public Comment**

Notice is hereby given that the Department of Economic Security, Unemployment Insurance Division has proposed the following temporary rule for the purpose of implementing the provisions of *Laws of 1982*, First Special Session, Chapter 001, governing benefit availability from seasonal employment as authorized by *Minn. Stat.* § 15.0412, Subd. 5 (1982), pending completion of a full adoption of a permanent rule.

All interested parties may submit data and views on the proposed temporary rule for a period of 20 days immediately following publication of this material. All submissions must be in writing and addressed to:

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

Michael J. Fratto
Supervisor, UI Evaluation and Analysis
Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

The temporary rule may be revised on the basis of data and views received. Any written material received will become part of the record and will be submitted to the Attorney General.

Rolf Middleton, Commissioner

Rule as Proposed (all new material)

8 MCAR § 4.3012 Unavailable wages.

A. Definitions.

1. For the purpose of *Minn. Stat.* § 268.07, subd. 2a, and 8 MCAR § 4.3012, the terms defined in 2 to 4 have the meanings given them.

2. "Recreation or tourist industry" is that industry which provides services directly to the consumer or customer including, but not limited to, those provided in recreational hotels, seasonal hotels, ski lodges and resorts, summer resort hotels, tourist courts or cabins, winter resort hotels, boys' or girls' camps, sporting and recreational camps, dude ranches, fishing camps, hunting camps, amusement parks, professional sports enterprises, racing activities, sport instruction camps or schools, boat rental, carnival, circuses, golf courses, and seasonal theaters. Enterprises which manufacture, distribute, or sell goods for use in tourism or recreation are not, because of those activities, within the recreation or tourist industry.

3. "Employer" means an employer in the recreation or tourist industry who provides services directly to a consumer. Where the operations, functions, or services of an employer may be divided into a severable and distinct operation, the severable operation may be an employer for purposes of *Minn. Stat.* § 268.07, subd. 2a., and 8 MCAR § 4.3012.

4. "Seasonal employment" means work with an employer which, due to the employer's limited period of operation in the recreation or tourist industry, is available for 15 consecutive weeks or less.

B. Application of unavailable wage provisions. Wage credits and credit weeks earned in seasonal employment as defined in *Minn. Stat.* § 268.07, subd. 2a., shall be unavailable for benefit purposes if:

1. the employer is engaged in seasonal employment in the tourist or recreation industry;
2. the wage credits and credit weeks were earned by performing direct services to customers or consumers during an employer's established, regularly recurring, and definite seasonal employment period of 15 consecutive weeks or less; and
3. the individual earning the wage credits was employed solely for the purpose of performing services in one period of seasonal employment and was not employed with the employer in nonseasonal work.

C. Wages seasonably unavailable. For the purpose of *Minn. Stat.* § 268.07, subd. 3., clause (5), seasonal wages may be used for claim purposes in combination with wages from nonseasonal employment only if:

1. the employer has resumed seasonal employment and work is not offered or available to the claimant due to no fault of the claimant's; or
2. the employer is no longer an employer offering seasonal employment.

D. Determinations of unavailable wages. Information necessary for the applicability of *Minn. Stat.*, § 268.07, subd. 2a., is not available to the Department of Economic Security. Therefore, any employer who wishes to protest the validity of a claim based on the unavailability of wages by application of *Minn. Stat.*, § 268.07, subd. 2.a or 3. shall make the protest within the time prescribed for filing a protest under *Minn. Stat.* § 268.10. If an employer files a late protest within the time limits of *Minn. Stat.*, § 268.10, subd. 2., clause (2), and the protest results in a redetermination of validity, the claimant shall not be required to repay any benefits received prior to the date of filing of the late protest and the employer shall be charged for benefits paid prior to the date of filing the late protest.

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 Meeting of the Minnesota Comprehensive Health Association

A meeting of the Minnesota Comprehensive Health Association's board of directors will take place on Tuesday, September 21, 1982 at Federated Mutual of Owatonna, beginning at 9:00 a.m.

Notice of change in scheduling of this meeting and notice of additional meetings can be obtained from: Insurance Division, 500 Metro Square Building, St. Paul, Minnesota 55101, (612) 296-2202.

Department of Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Self-Insurance by Pools of Political Subdivisions

Notice is hereby given that the Insurance Division is seeking information and opinions from persons outside the agency in preparing to promulgate rules governing self-insurance of workers' compensation, employee health benefits, and other liabilities by pools of political subdivisions. Promulgation of these rules is authorized by *Minn. Stat.* § 471.617, subd. 2, and *Minn. Stat.* § 471.982, subd. 2, which permit the agency to provide standards or guidelines governing the formation, operation, administration and dissolution of self-insurance pools.

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: John Klein, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3238.

All statements of information and comment shall be accepted until September 15, 1982. Any written material received by the Insurance Division shall become part of the record if the rules are promulgated.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Le Sueur County District and County Court

Notice of Filing Fees for the County Law Library

Pursuant to Laws of Minnesota 1982, ch. 576, the Le Sueur County Law Library Board of Trustees announces the law library fees to be collected in the district, county, municipal, probate and conciliation courts of Le Sueur County.

Civil Actions

- | | |
|---|--|
| 1. Plaintiff, petitioner or moving party when first paper is filed | \$20.00 base fee
10.00 legal services fee
<u>5.00 law library fee</u>
\$35.00 total fee to be collected |
| 2. Defendant, adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others when first paper is filed on his/their part | \$15.00 base fee
10.00 legal services fee
<u>5.00 law library fee</u>
\$30.00 total fee to be collected |

OFFICIAL NOTICES

Marriage Dissolutions Actions

1. Petitioner

\$20.00 base fee
15.00 battered womens' fund
5.00 law library
\$40.00 total fee to be collected

2. Respondent

\$15.00 base fee
5.00 law library fee
\$20.00 total fee to be collected

Probate Actions/Proceedings

Includes all types of probate matters

\$15.00 base fee
10.00 legal services fee
5.00 law library fee
\$30.00 total fee to be collected

Conciliation Court Actions

Fee applies to filing of claim and to filing of counterclaim

\$ 5.00 base fee
1.00 legal services fee
5.00 law library fee
\$11.00 total fee to be collected

Marriage License Fee

For receiving the application and issuing a marriage license

\$15.00 base fee
\$15.00 battered womens' fund
\$30.00 total fee to be collected

These fees shall be in effect from July 1, 1982 (or later date) to June 30, 1983.

August 3, 1982

Clarence Miller
County Commissioners
John Schmidt
Board of Trustees

Metropolitan Council

Notice of Public Hearing on the 1983 Budget and Work Program

The Metropolitan Council will hold a public hearing on Tuesday, September 14, 1982, at 5 p.m. in the Metropolitan Council offices, Room E, 300 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, on a proposed 1983 budget and work program. Before the budget is adopted, the council must decide upon the total amount necessary to be raised from ad valorem tax to meet its budget. All interested persons are encouraged to attend the hearing and offer comments. Persons may wish to register to speak in advance by contacting the council's public hearing coordinator at 291-6421. Copies of the proposed 1983 budget and work program are available free of charge from the council's public information office at 291-6464.

Charles Weaver, Chairman
Metropolitan Council

Nursing Home Administrators Board

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the Board of Nursing Home Administrators

Pursuant to *Minn. Stat.* § 15.0412, subd. 6, notice is hereby given that the Minnesota Board of Nursing Home Administrators wishes to solicit information and opinions from sources outside of the agency for the purpose of possible adoption, amendment, suspension or repeal of rules under authority of 144A.24. More specifically the purpose is to clarify and make more specific the academic requirements for licensure; to make the educational requirements for relicensure uniform for all applicants and to repeal outdated or obsolete sections of the rules.

If adopted, the rules in question would seek formally to establish the above-referenced procedures and safeguards for the Minnesota Board of Nursing Home Administrators.

Any persons desiring to submit data or views on these subjects should address their comments, by October 15, 1982, whether written or oral to:

Phillip C. Newberg
Executive Director
Mn. Bd. of Examiners for Nursing Home Administrators
717 Delaware Street, S.E. (Room 340)
Minneapolis, Mn. 55414
Tele: (612) 296-5406

All written submissions will become part of the record in any subsequent hearing.

Dated: August 11, 1982

Phillip C. Newberg
Executive Director
Minnesota Board of Nursing Home Administrators

Department of Public Safety Safety Administration Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the Department of Public Safety Governing Method of Identification and Signals for School Safety Patrols in Minnesota

Notice is hereby given that the Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing identification, signals, equipment and usage procedures for school safety patrols. Such rulemaking would amend existing rules of the department identified as SafAd 65-73.

The promulgation of these rules is authorized by *Minn. Stat.* § 126.15, which requires the agency to prescribe the method of identification and signals to be used by school safety patrols.

The Department of Public Safety 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:

Harlan Olson, Director
Office of Information
Department of Public Safety
318 Transportation Building
St. Paul, Mn. 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-6652 and in person at the above address.

All statements of information and comment shall be accepted until September 24, 1982. Any written material received by the Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

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 Real Estate Management Division

Wanted: Office Lease Proposals

Office space for up to seven state agencies totaling an estimated 15,000 square feet. Space increments as low as 500 square feet to the total 15,000 square feet will be considered.

Occupancy	—	April, 1983
Location	—	Bemidji, Minnesota
Lease Term	—	Two years with two year option
Parking	—	Tenant and public parking available
Design layout services	—	Available to agencies
Rental rate	—	Must include all building services for a "gross lease"

Lease proposals due in writing by September 15, 1982, 4:00 p.m. at:

Real Estate Management Division
G-22 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Department of Agriculture Marketing and International Trade Division

Notice of Request for Proposals for Video Productions

The Marketing and International Trade Division of the Department of Agriculture is seeking video producers to produce ten (10) programs that would be used to promote the sale of Minnesota livestock and other agri-business services and products in foreign markets. A key element of the productions will be translations in four (4) foreign languages.

These programs, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) statement of work. The formal RFP may be requested and inquiries should be directed to:

Paul Hansen
Marketing and International Trade Division
Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107
Phone: (612) 297-3862

It is anticipated that the activities to accomplish these (10) programs will be accomplished for \$25,000. The deadline for submission of completed proposals will be 4:30 p.m., September 20, 1982.

Housing Finance Agency

Notice of Request for Proposals for Servicing Home Improvement Loans

Notice is hereby given that the Housing Finance Agency is requesting proposals to service home improvement loans purchased by the agency under its Home Improvement Loan Program.

The Minnesota Housing Finance Agency Home Improvement Loan Program was established for the purpose of improving the housing stock of low and moderate income households in Minnesota. It is a loan purchase program through which approximately 300 local lenders throughout the state originate FHA—Title I insured loans for sale to the agency. Since commencement of the program in 1975, the Agency has purchased over 33,000 loans with a total principal amount over \$171 million. Currently the portfolio contains 26,000 loans with a total outstanding principal balance of \$115 million. Interest rates are generally between 1% and 8%, depending on household income. Interest rates on loans originated since January 1, 1982 range from 3% to 14½%. All borrowers under the program must be considered to be reasonable credit risks by the originating lender and MHFA.

It is the present intention of the agency to continue to contract with its present servicer, National Escrow Corporation, for a portion of the servicing. The agency intends to select one additional servicer based on proposals received in response to this request.

Servicing proposals should anticipate servicing an average of 2,000 to 3,000 new loans per calendar year. Additionally, the proposal may request the immediate assumption of the servicing of approximately 5,500 seasoned loans.

The contractor will be required to provide the following servicing functions.

1. Computerized set-up, billing, payment application and recordkeeping.
2. Provision of such reports as the agency finds necessary to perform its accounting and monitoring functions.
3. Performance of complete collection services consistent with FHA Title I Guidelines including, but not limited to, contacting borrowers through late notices, telephone calls and, when applicable, personal visits; recommending refinances and reaffirmations; preparing bankruptcy and decedent estate proofs of claim, assignment of proof of claim, assignments of mortgage to the U.S. Department of Housing and Urban Development and FHA—Title I claim forms for execution by the Minnesota Housing Finance Agency.

4. Reporting of delinquent accounts to credit bureaus.
5. Storage of loan files.
6. Provision of microfiche copies of loan documents (average 15 pages per loan).
7. Preparation of satisfactions of mortgage for loans paid in full.

Proposals must be consistent with the Agency Home Improvement Loan Servicing Guide which is available upon request from the agency. Proposals should indicate whether or not the contractor desires and has the capability to immediately assume the servicing of approximately 5,500 seasoned loans. In addition, the following materials must be submitted:

1. A breakdown of the proposed servicing cost, including set up charges, monthly charges, conversion charges, and any other special charges or fees.
2. A description of the contractor's servicing capacity and facilities, including a description of the computer hardware and software to be used in servicing the loans.
3. A detailed description of home improvement loan servicing procedures, including processing of payments, record keeping, accounting, delinquency collection methods and foreclosure procedures.
4. A description of organizational structure, including an organizational chart, and staffing arrangements which will be employed to perform the services described. Brief resumes of current employees who will be assigned to this project should also be included.
5. A description of the current consumer loan portfolio being serviced, with a special note regarding the number of Title I loans included. Performance indicators including delinquency and default statistics should be presented.

6. Current audited financial statements.

Evaluation and award will be based on the above factors.

Proposals must be in writing and must be received by the agency no later than 4:30 PM on September 30, 1982.

General inquiries and proposals should be sent to:

Mary Tingerthal, Director
Home Improvement Programs
Minnesota Housing Finance Agency
333 Sibley Street—Suite 200
St. Paul, MN 55101
(612) 297-3126

ERRATA

Errata

Department of Revenue

At 6 S.R. 2014, May 31, 1982, the Department of Revenue published proposed amendments to the rules governing subtraction for interest on United States government obligations. Please make the following corrections.

At 6 S.R. 2015 under Exhibit I change Exempt Obligations Listed Name of Security to Exempt Obligations Listed by Name of Security.

At 6 S.R. 2015 change the word Cooperative to Cooperatives.

At 6 S.R. 2015 change 31 USC § 742, Tabak v. Commissioner to 31 USC § 742, Tobak v. Commissioner.

At 6 S.R. 2016, under Exhibit II in number 4, 3rd column, change 1717 (c) and 1721 to 12 USC 1717(c) and 1721.

At 6 S.R. 2017, under Exhibit IV, number 3, column 1 change financial to financing.

At 6 S.R. 2017, under Exhibit IV, number 14, column 2 change wich to which.

STATE OF MINNESOTA

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

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