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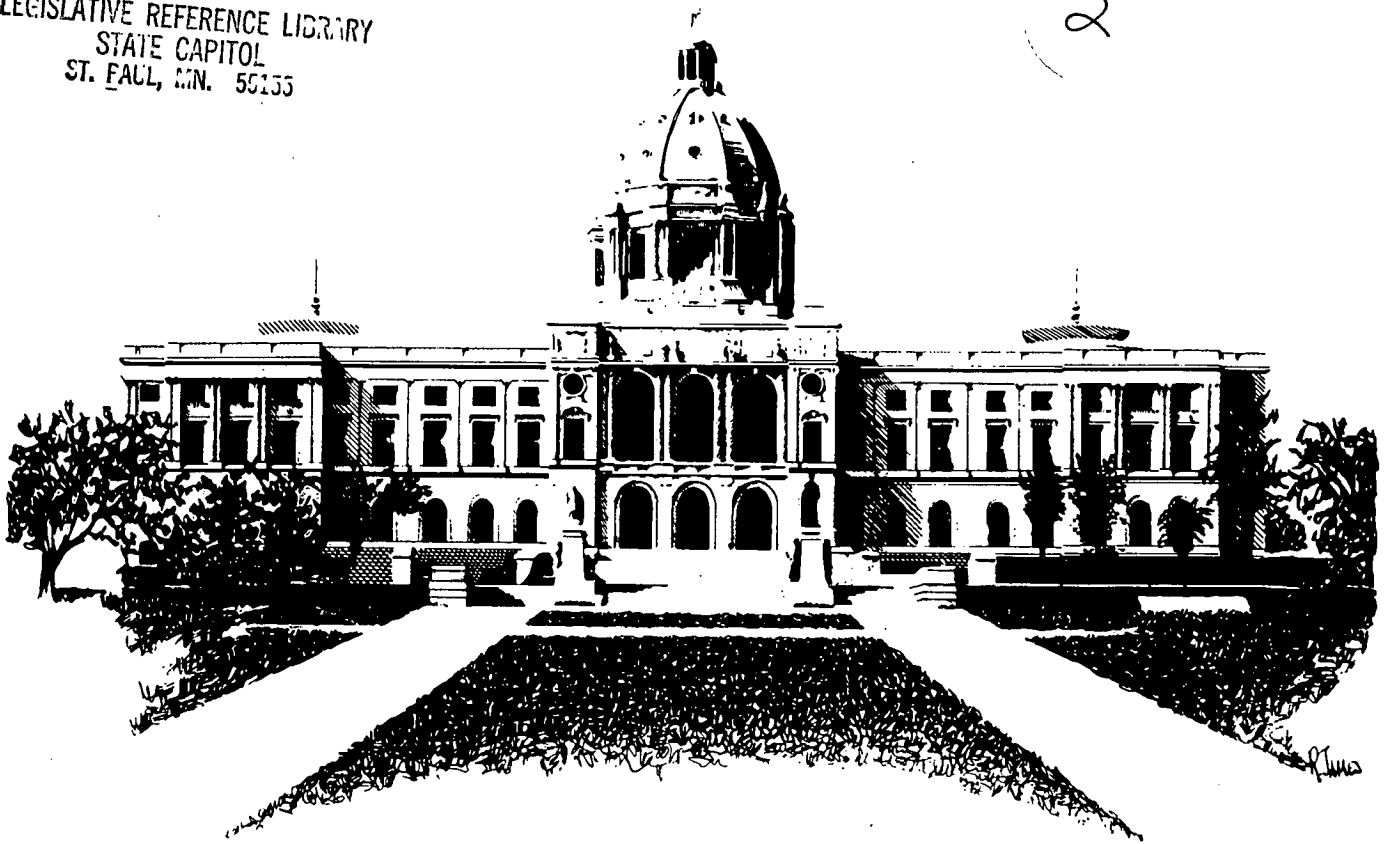
STATE REGISTER

STATE OF MINNESOTA

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VOLUME 9, NUMBER 27

December 31, 1984

Pages 1501-1532



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 9			
28	Thursday Dec 20	Thursday Dec 27	Monday Jan 7
29	Thursday Dec 27	Monday Jan 7	Monday Jan 14
30	Monday Jan 7	Monday Jan 14	Monday Jan 21
31	Monday Jan 14	Monday Jan 21	Monday Jan 28

*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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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

The **PROPOSED RULES** section contains:

- 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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The **OFFICIAL NOTICES** section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted **EMERGENCY** (formerly called **TEMPORARY**) **RULES** appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the **MINNESOTA RULES AMENDMENTS AND ADDITIONS** list on the following schedule:

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

The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1983*.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

STATE BOARD OF EDUCATION

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

State Board Education Department of Education Partnerships Division

Proposed Rule Relating to Implementation of Health Occupation Programs

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22 to 14.28.

These rules govern the implementation of the Health Occupations Program. Secondary Vocational Education.

Persons interested in these rules are encouraged to submit comments in support of or in opposition to the proposed rules. Each comment should identify the portion of the proposed rules addressed, the reason for the comment and any change proposed. Persons submitting these comments shall have 30 days to submit comments on the proposed rules following publication in the *State Register*. 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.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes §§ 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing on the proposed rules should submit such comments or requests to:

J. Thomas Strom, Manager
Secondary Vocational Education
Department of Education
Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Authority for the adoption of these rules is contained in Minnesota Statute § 121.11 Subd. 12. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from J. Thomas Strom upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the Statement of Need and Reasonableness, all written comments received, and the final rules as proposed for adoption will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. If a public hearing is not required, notice of the date of submission of the rules, as proposed for adoption, to the Attorney General for review will be

PROPOSED RULES

mailed to any person requesting to receive the notice. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to J. Thomas Strom.

The Board estimates that the proposed rules will not require an expenditure of public monies by all local public bodies or an amount which exceeds \$100,000 in either of the two years immediately following adoption of the proposed rules. These proposed rules will not directly affect small businesses as defined in Minnesota Statutes Section 14.115, subdivision 1.

A copy of the proposed rules is attached to this Notice.

A copy of this notice and the proposed rules is available and may be obtained by contacting J. Thomas Strom.

November 14, 1984

State Board of Education,
Ruth E. Randall
Secretary

Rule as Proposed

3505.3300 IMPLEMENTATION OF HEALTH OCCUPATIONS.

In offering a vocational health and scientific occupations program, the following considerations apply:

A. Component emphasis ~~shall~~ must be consistent with program objectives.

B. The program ~~shall~~ must include one of the following application experience options:

(1) In school: the program ~~shall~~ must be offered for a minimum of 280 hours ~~within in one or two fiscal year years~~.

(2) Employment related community-based education: see community-based rules parts 3505.4300 to 3505.4700. A health occupations instructor-coordinator can supervise students in any vocational health and scientific occupations program.

State Board of Education Department of Education Partnership Division

Proposed Rule Relating to Minimum Secondary Vocational Course Offerings

Notice of Hearing

Notice is hereby given that a public hearing concerning the proposed rule will be held at Hennepin Technical Center, North Campus, 9000 North 77th Avenue, Brooklyn Park, Minnesota 55445, on February 7, 1985, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written comments may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7608 either before the hearing or within five working days after the close of the hearing. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. In addition, following the close of the initial comment period, interested persons and the agency will be allowed to submit responses to any new information submitted in the comments received during the initial comment period. The responses must be filed within three working days of the close of the initial comment period. Additional evidence may not be submitted during this three-day period. The rule hearing procedure is governed by Minn. Stat. §§ 14.02 to 14.57, and by Minnesota Rules Parts 1400.0200-1400.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules.

PROPOSED RULES

Copies of the Statement of Need and Reasonableness may be obtained from the agency or the Office of Administrative Hearings at the cost of reproduction.

This proposed rule requires every secondary school to provide a minimum of four credits of not less than 140 hours per credit or a total of 560 hours of secondary vocational programs for students in grades 10-12. The rule provides students with an opportunity to select from elective subjects, secondary vocational programs that will assist them in making a vocational career choice while developing the skills, attitudes and knowledge to succeed in the workplace and in society.

The Board's statutory authority to adopt the proposed rule is provided by Minnesota Laws of 1984, ch. 463, art. 5, sec. 24, subd. 3.

The Board estimates that the cost of the proposed rule could be approximately \$990,000 using the average teacher salary of \$24,000 per year as a base for computing and depending upon the implementation strategy chosen by the local school districts. The proposed rules will not directly affect small businesses within the meaning of Minn. Stat. § 14.115.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Dayton Perry, 527 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rule, contact Dayton Perry, (612) 296-8027.

Notice: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the Board may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. The agency will give notice of the adoption of and the filing of the rule with the Secretary of State. Any person wishing to have notice of the adoption and filing may so indicate at the hearing or send a written request to the agency.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 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 one month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

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

November 14, 1984

State Board of Education
Ruth E. Randall, Secretary

Fiscal Statement

The State Board of Education estimates that there will be some cost to local school districts in order to implement the proposed rule following its adoption within the meaning of Minnesota Statutes, Section 14.11, Subdivision 1. However, because costs vary from school to school depending on existing staff, licensure, programs to be offered and methods utilized in providing the programs, it is not possible to project an accurate cost estimate. We can estimate the impact on 59 Minnesota school districts that we know currently are not providing at least 560 hours of secondary vocational programs to some 7000 students based upon vocational categorical aid payments. Based upon current vocational programs in those districts, it could translate into adding some 75 new or modified programs at a cost of \$990,000 to the local school districts. This cost is based on an average teacher salary of \$24,000 per year and assuming that the district will elect to add staff rather than selecting various delivery options. This figure would not include such items as equipment, textbooks and other instructional costs.

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

Other options school districts might employ to reduce their cost could be:

- a) Sharing instructors and programs between districts.
- b) Joining a secondary cooperative center that provides vocational programs.
- c) Increasing the number of secondary vocational offerings in the school's curriculum.
- d) Purchasing slots on a fee basis from other districts.
- e) Arranging for vocational offerings through an AVTI for its students.
- f) Alternating vocational offerings between districts on a yearly basis.
- g) Utilizing emerging technology such as interactive TV or computer assisted video tape to provide programs.

While there may be start-up costs and other equipment costs associated with some of these options, program specialists will assist local education agencies in providing alternatives. The Department of Education estimates the total cost to the state based upon a 45 percent vocational categorical aid formula to be approximately \$810,000.

Rule as Proposed (all new material)

3505.2510 MINIMUM PROGRAM.

During each school year, every secondary school must provide in grades 10-12 a minimum of four credits of not less than 140 hours per credit or a total of 560 hours of secondary vocational course offerings in not less than two secondary vocational programs. For purposes of this rule, the secondary vocational programs are agriculture, business and office occupations, marketing and distributive education, health occupations, industrial education, homemaking, service occupations, and special needs as described in parts 3505.2700 to 3505.4700. A program must be approved by the commissioner of education under parts 3505.1100, 3505.2400, and 3505.2500 to be eligible for vocational aid.

Department of Public Safety Fire Marshal Division

Proposed Rules Governing Natural Gas Pipeline Safety Inspection Fees

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Section 299F. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the

data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The portion of the rules which may affect small businesses is the establishment of a fee to recover all direct and indirect costs in the State Fire Marshal Division for all activities related natural gas pipeline safety. These fees will be assessed upon natural gas pipeline companies based on actual time spent in activities attributable to that company.

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 the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist 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, 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 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. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed

7510.6200 PURPOSE.

The purpose of parts 7510.6100 to ~~7510.6900~~ 7510.6910 is to prescribe reporting requirements for gas leaks ~~and to prescribe minimum~~ safety standards for pipeline facilities and the transportation of gas, ~~and fees to recover the state costs related to inspections, investigations, and other duties prescribed by statute.~~ These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code 1976 and Supplement III, title 49, section 1674 (a).

7510.6300 SCOPE.

The requirements and standards in parts 7510.6100 to ~~7510.6900~~ 7510.6910 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of parts 7510.6350 to ~~7510.6900~~ 7510.6910 is intended to be consistent with Minnesota Statutes, sections 299F.56 to 299F.64.

7510.6350 FEDERAL REGULATIONS ADOPTED BY REFERENCE.

Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations 1980, title 49, parts 191 and 192 are incorporated by reference and made part of Minnesota rules subject to the amendments in parts 7510.6400 to ~~7510.6900~~ 7510.6910.

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

7510.6910 INSPECTION FEE.

A person who engages in the transportation of gas or who owns or operates pipeline facilities subject to Minnesota Statutes, sections 299F.56 to 299F.64 is subject to payment of a fee to recover the state's share of the cost of administering the natural gas pipeline safety activity.

A. The department shall quarterly ascertain the total of its expenditures for the preceding three months that are attributable to the natural gas pipeline activity.

B. The department shall maintain records on the amount of time each pipeline safety inspector spends performing duties related to each public or private natural gas pipeline company in Minnesota.

C. The department shall charge each natural gas pipeline owner or operator for the actual hours spent by pipeline safety inspectors in the conduct of duties under Minnesota Statutes, sections 299F.56 to 299F.64, plus a share of other related expenditures including supplies, materials, and overhead, prorated on the basis of the inspector hours.

D. The department shall submit invoices to operators within 30 days after the end of the calendar quarter. Owners or operators shall remit payment to the department within 30 days after the date of the department invoice.

Transportation Regulation Board

Proposed Rules Relating to Collective Ratemaking

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Transportation Regulation Board (Board) proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982) (As amended by Minn. Laws 1984 Ch. 640, §§ 12-15).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§ 14.13-14.20 (1982) (As amended by Minn. Laws 1984, Ch. 640, §§ 7-11). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reasons for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Jerome E. Pedersen, Rate Director
Transportation Regulation Board
795 American Center Building
160 E. Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: 612/296-2349

Authority for adoption of these rules is contained in Minn. Stat. § 174A.02 (1982) and Minn. Stat. § 221.165 (Supp. 1983). A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied on to support the proposed rules and assesses the impact of the proposed rules on small businesses and on local public bodies has been prepared and is available from Mr. Pedersen upon request at the above address.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, the statement of need and reasonableness, all the written comments and requests for hearing received, and the final rules as adopted will be delivered to the Attorney General. The rules will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the rules and the existence of a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the rules as originally proposed, or who wish to obtain a final

copy of the rules as adopted, should submit a request to Mr. Pedersen at the above address. The text of the proposed rules follows this notice in the *State Register*. These rules have two purposes: a) insuring non-discriminatory rates and charges for transportation services provided to shippers and receivers; and b) preserving or continuing intrastate collective ratemaking by immunizing such collective activity from federal antitrust laws.

One free copy of the proposed rules may be obtained by contacting Mr. Pedersen at the above address or by calling (612) 296-2349.

Rules as Proposed (all new material)

8900.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Board. "Board" means the Minnesota Transportation Regulation Board.

Subp. 3. Collective ratemaking. "Collective ratemaking" means the joint consideration and establishment of rates, charges, and classifications, and rules related to them, by two or more carriers.

Subp. 4. Collective ratemaking organization. "Collective ratemaking organization" means an organization or association of two or more carriers engaged in collective ratemaking for the purpose of publishing rates, charges, and classifications, and rules related to them. Administrative activities of the collective ratemaking organization are at the express direction of participating carriers.

Subp. 5. Docketing. "Docketing" means submitting a rate proposal to the collective ratemaking organization.

Subp. 6. Joint docket bulletin. "Joint docket bulletin" means a periodic listing of rate proposals submitted to the collective ratemaking organization for consideration by member carriers and other interested parties.

Subp. 7. Joint line rate. "Joint line rate" means a rate applicable from a point located on one transportation line to a point located on another transportation line, made by agreement or arrangement between the carriers and published in a single tariff under proper concurrence of the transportation lines over which the rate applies.

Subp. 8. Rate proposal. "Rate proposal" means a proposed rate, charge, rule, or classification to be published for the account of a proponent carrier and other participating carriers concurring in the proposal.

Subp. 9. Single line rate. "Single line rate" means a rate applicable from origin to destination over the lines of one carrier.

8900.0200 PURPOSE.

In order to ensure nondiscriminatory rates and charges for shippers and receivers, to ensure continuance of joint through interline service, and to ensure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably related rate structures, all motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, shall collectively establish, maintain, and publish schedules of rates, charges, and classifications in joint agency tariffs, and regulations and practices relating to them, covering their transportation service in accordance with Minnesota Statutes, section 221.165, and this chapter.

8900.0300 GENERAL DUTIES OF MOTOR CARRIERS.

Subpart 1. Participation. Motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, shall participate in collective ratemaking organizations for the purpose of collectively establishing, maintaining, and publishing joint or single line schedules of rates, charges, and classifications, and regulations and practices relating to them, covering their transportation service.

Subp. 2. Submission. Motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, shall establish and submit to the board for its approval procedures for the joint consideration, initiation, establishment, maintenance, and publication of rates, charges, and classifications, and regulations and practices relating to them.

8900.0400 FILING REQUIREMENTS.

Subpart 1. Provisional approval. A collective ratemaking agreement, and the bylaws and rules of procedure of an

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PROPOSED RULES

organization established or continued under that agreement, must be filed with and approved by the Board. Initial filings will be provisionally approved if they conform generally to the requirements in items A to K.

A. Each carrier that is a party to the agreement must be identified by name, mailing address, and telephone number.

B. A member carrier must be allowed to discuss any proposal docketed, but only those carriers with authority to participate in the transportation may vote on the proposal.

C. A participating carrier in a collective ratemaking organization has the right of independent action and must be permitted to propose the establishment of a rate, charge, or classification or rule relating to them. An agreement or action by or between two or more participating carriers to not exercise the right of independent action or to boycott, coerce, or intimidate a participating carrier from exercising its right of independent action is prohibited.

D. Notice of proposals must be given in a joint docket bulletin which is furnished to the board, to carriers participating in the collective procedures, and to all other persons who subscribe to the bulletin.

E. The organization must not be allowed to protest or complain of tariff items published for the account of a motor carrier.

F. Revenues and expenses of a carrier participating in a given uniform rate structure must be considered in forming a composite expense level used in arriving at a uniform rate level applicable to any defined group of carriers.

G. Employees of the organization are prohibited from docketing or acting upon a proposal affecting a change in a tariff published by or for the account of a member carrier.

H. The organization must divulge to any person the name of the proponent of a rate, charge, rule, or classification docketed in that organization.

I. A carrier or other person must be granted an opportunity to make oral or written statements respecting proposals to the carrier charged with the responsibility for acting upon the proposals.

J. Meetings of the organization discussing rates, charges, rules, or classifications must be open to the public. The organization must divulge to any person the vote cast by a member carrier on a proposal.

K. In meetings discussing rates, charges, classifications, or rules, the organization shall establish a minimum quorum standard of 30 percent of the membership for general meetings and 50 percent of the membership of a committee for committee meetings. Each participating carrier must have one vote. The organization may not allow a member carrier to vote for one or more other member carriers without specific written authority from the carrier being represented.

Subp. 2. Final notice of approval or disapproval. The board, upon a finding that the agreement, bylaws, and rules of procedure further the objectives of Minnesota Statutes, section 221.165, and after the submission of necessary amendments ordered by the board in connection with the provisionally approved agreement, shall issue a final notice of approval or disapproval within six months from the date of filing the provisional agreement.

8900.0500 INDIVIDUAL NAME ON TARIFFS.

A member carrier of a collective ratemaking organization may prepare, at its own expense, tariffs bearing the member carrier's individual business name if the copies indicate (1) that they are based on a tariff, specifying the number, and (2) that the tariff has been filed with and approved by the board, pursuant to provisional or permanent approval by the board of the collective ratemaking agreement in which the carrier participates.

8900.0600 INDIVIDUAL DEVIATIONS.

Motor carriers subject to rate regulation shall petition the board for authority to deviate from the collective establishment, maintenance, and publication of rates, charges, and classifications, and rules relating to them, as provided in part 8900.0400. Protests against petitions for deviation must be processed in accordance with Minnesota Statutes, section 221.161. The board shall allow a carrier to deviate from the collective establishment, maintenance, and publication of rates, charges, and classifications, and rules relating to them, if the proposed deviation is deemed to be just and reasonable.

8900.0700 BOARD MONITORS ACTIVITIES.

The board shall actively supervise the activities of each collective ratemaking organization, including periodic field audits, attendance at scheduled meetings, and review of minutes from those meetings to ensure compliance with board-approved collective ratemaking procedures.

8900.0800 EXEMPTION.

Subpart 1. Exemption restricted. Exemption from collective ratemaking procedures prescribed in this chapter is confined to contract carriers and carriers publishing single line rates only.

Subp. 2. Petition. Carriers subject to rate regulation shall petition the board for exemption. After considering the reasons set forth in the petition, the board shall exempt the petitioning carrier from the collective ratemaking procedures prescribed in this chapter if it finds that:

- A. the carrier will suffer no hardship in publishing its own rates and tariffs;
- B. the grant will not conflict with the legislative purpose to be accomplished by board approval of collective ratemaking; and
- C. the grant will be consistent with the public interest.

8900.0900 PENALTY FOR VIOLATION.

The failure of a motor carrier subject to rate regulation under Minnesota Statutes, chapter 221, to comply with this chapter may result in suspension or revocation of its certificate or permit under Minnesota Statutes, section 221.021, as well as other penalties provided for in Minnesota Statutes, chapter 221, and appropriate to the violations.

One of the following two notices was inadvertently omitted from the December 24, 1984 publication of the *State Register*. As a result of the omission, both notices are being republished.

The text of the proposed rules referenced in these notices was previously published and can be found at *State Register*, Volume 9, Number 26, pages 1412-1477, December 24, 1984.

Minnesota Racing Commission

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and all Other Aspects of Pari-Mutuel Horse Racing

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Hearing

A public hearing concerning the above-entitled matter will be held in the Metropolitan Council Chambers, Room 300, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota on February 5, 1985, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard. PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED THE SAME DATE AS THIS NOTICE.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to George A. Beck, Office of Administrative Hearing, Fourth Floor, Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minn. Stat. § 14.50. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rules pts. 1400.0200-.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

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PROPOSED RULES

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the *State Register*. (The text of the proposed rules was previously published and can be found at *State Register*, Volume 9, Number 26, pages 1412-1477, December 24, 1984.) Additional copies of the proposed rules are now available and at least one free copy may be obtained by writing to Richard G. Evans, Executive Secretary, Suite 400, United Labor Centre, 312 Central Avenue, Minneapolis, Minnesota 55414, telephone (612) 341-7555. Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Richard G. Evans.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the Rule has been adopted and filed with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge (in the case of the Administrative Law Judge's Report), or to the agency (in the case of the agency's adoption and filing with the Secretary of State).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. stat. § 10A.01, subd. 11., 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, 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.

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

Ray Eliot, Chairman
Minnesota Racing Commission

Minnesota Racing Commission

In the Matter of the Proposed Rules of the Minnesota Racing Commission Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rules without a public

hearing unless twenty-five or more persons submit written requests for a public hearing. The Commission 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. §§ 14.21-14.28.

PLEASE NOTE, HOWEVER, THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD PURSUANT TO MINN. STAT. §§ 14.13-14.20 AND IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED ON THIS DATE.

Persons or groups interested in these rules shall have 30 days to submit comments on these proposed rules. Each comment should identify the portion of the proposed rules, address the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Commission and do not result in a substantial change in the proposed language.

Any persons requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

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

Richard G. Evans, Executive Secretary
Suite 400, United Labor Centre
312 Central Avenue
Minneapolis, Minnesota 55414
Telephone: (612) 341-7555

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Richard G. Evans upon request.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

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 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 this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Evans.

The text of the proposed rules follows the notice in the *State Register*. (The text of the proposed rules was previously published and can be found at *State Register*, Volume 9, Number 26, pages 1412-1477, December 24, 1984.)

Additional copies of this Notice and the proposed rules are available and may be obtained by contacting Richard G. Evans.

Ray Eliot, Chairman
Minnesota Racing Commission

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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.

Board of Dentistry

Outside Opinion Sought Concerning Proposed Amendments to Rules Governing Advertising of Dentists and Dental Services

On November 15, 1984, the Federal Trade Commission advised the Minnesota Board of Dentistry (Board) that the Commission believes that under current antitrust standards, the above captioned rules could have the effect of unreasonably restraining the advertising of dentists and dental services.

Notice is hereby given that the Board is seeking information or opinions from sources outside the agency in preparing to amend the above captioned rules governing advertising. The promulgation of these rules is authorized by Minnesota Statutes, sections 150A.04, subd. 5 and 214.15, which permits the Board to adopt rules relating to advertising format and substance and rules necessary to carry out the provisions and purposes of Minnesota Statutes, chapter 150A.

The Board 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: Dale J. Forseth, Executive Secretary, Board of Dentistry, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Oral statements will be received during regular business hours over the telephone at 612-623-5313 and in person at the above address.

All statements of information and comment shall be accepted until January 24, 1985. The Board intends to consider all statements of information and comment at its regularly scheduled meeting on January 26, 1985. Any written material received by the Board shall become part of the record in the event that the amendments are promulgated.

December 21, 1984

Dale J. Forseth
Executive Secretary

Minnesota State Agricultural Society Minnesota State Fair

Annual Meeting Notice

The 126th annual meeting of the Minnesota State Agricultural Society, governing body of the State Fair, will be held Jan. 12, 13 and 14 at the Radisson South Hotel in Bloomington. The annual meeting will be followed by a meeting of the society's board of managers Jan. 14.

A complete program of all scheduled meetings is available during regular business hours at the Administration Building on the fairgrounds in St. Paul, or at the hotel during the meeting.

Minnesota Supreme Court Judicial Planning Division State Court Administrator

Public Hearing on Proposed Guidelines for Community Dispute Resolution Centers Under Minnesota Laws, 1984, Chapter 654

Notice is hereby given that the State Court Administrator and the Community Dispute Resolution Subcommittee of the Judicial Planning Committee shall meet on January 11, 1985, at 9:00 o'clock a.m., at the Auditorium, A Level, Hennepin County Government Center, Minneapolis, Minnesota, for the purpose of conducting a public hearing on proposed guidelines for community dispute resolution centers.

The guidelines shall serve as an operational manual for those community dispute resolution centers seeking court referrals. The guidelines address, but are not limited to, the following areas: case criteria, intake, resolution techniques and procedures, training, and certification.

Draft copies of the proposed guidelines are available on or after December 28, 1984, at the Judicial Planning Committee Office, 40 North Milton Street, St. Paul, Minnesota 55104 (612) 296-6282.

December 3, 1984

Sue K. Dosal
State Court Administrator

Department of Transportation Technical Services Division

Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Thursday, January 3, 1985 at 9:00 A.M. in Room 410A, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations § 8820.3400 Subp. 3 adopted pursuant to Minnesota Statutes Chapters 161 and 162.

The agenda will be limited to these questions:

1. Petition of the County of Aitkin for a variance from Standards for Inslope on CSAH 1 from 4,260 to 4,460 feet North of the Southeast corner of section 18, T48N, R26W.
2. Petition of the County of Benton for a variance from Standards for Inslope on CSAH 22 from CSAH 7 to CSAH 9.
3. Petition of the County of Chisago for a variance from Standards for Design Speed on Township Road 300 from the East Limits of Wyoming to TH 98 (Bridge L0165 over the Sunrise River).
4. Petition of the County of Chisago for a variance from Standards for Design Speed on CSAH 9 from CSAH 15 to the East Limits of Harris.
5. Petition of the City of Orono for a variance from Standards for Design Speed on MSAS 101 (Willow Drive) from Fox Street to B.N.R.R. Bridge.
6. Petition of the City of St. Paul for a variance from Standards for Street Width on CSAH 42 (Ford Parkway) from Howell Street to Mississippi Street.
7. Petition of the City of St. Paul for a variance from Standards for Design Speed on MSAS 260 (Burlington Road) from Springside Drive to Totem Road.
8. Petition of the City of St. Paul for a variance from Standards for Design Speeds and Street Widths on MSAS 232 and 117 (Como Avenue) from Capitol Heights to Jessamine Avenue.
9. Petition of the City of St. Paul for a variance from Standards for Design Speed on the Sibley-Jackson Switchback from Eighth and Jackson to Seventh and Sibley.
10. Petition of the County of Hennepin for a variance from Standards for Street Width on CSAH 102 (Douglas Drive) from Co. Rd. 70 (Medicine Lake Road) to 700 feet South of CSAH 9 (Rockford Road).
11. Petition of the City of Grand Rapids for a variance from Standards for Street Width on MSAS 112 (Fifth Street West) from Fifth Avenue to Tenth Avenue.
12. Petition of the County of Stearns for a variance from Standards for Design Speed on CSAH 47 from TH 23 in Rockville to TH 15 North of Luxemburg.
13. Petition of the County of Yellow Medicine for a variance from Standards for Design Speeds and Bridge Load Capacity on CSAH 7 from CSAH 5 to TH 212.
14. Petition of the County of Yellow Medicine for a variance from Standards for Bridge Width and the Structural Capacity on Bridge #531 on CSAH 14.

OFFICIAL NOTICES

15. Petition of the County of Faribault for a variance from Standards for Roadway Width on CSAH 10 from the West County Line to TH 169 South of Winnebago.

16. Petition of the County of Hennepin for a variance from Standards for Street Width on CSAH 32 from CSAH 53 to West 67th Street in Richfield.

17. Petition of the County of Pennington for a variance from Standards for Design Speed on the approaches for Bridge #6613 on CSAH 17 in Thief River Falls.

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee:

9:00 A.M. — Aitkin County
9:20 A.M. — Benton County
9:40 A.M. — Chisago County (2)
10:20 A.M. — City of Orono
10:40 A.M. — City of St. Paul (4)
12:00 Noon — Lunch
1:00 P.M. — Hennepin County (2)
1:40 P.M. — City of Grand Rapids
2:00 P.M. — Stearns County
2:20 P.M. — Yellow Medicine County (2)
3:00 P.M. — Faribault County
3:20 P.M. — Pennington County

December 14, 1984

R. McDonald
for
Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Pennington County for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the County Board of Pennington County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for the approaches on Bridge #6613 on CSAH 17 in Thief River Falls.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit Design Speeds of 10 and 20 MPH instead of the required 30 miles per hour on the two approaches.

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.

December 17, 1984

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Yellow Medicine County for a Variance from State Aid Standards for Bridge Width and Structural Capacity

Notice is hereby given that the County Board of Yellow Medicine County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for Bridge #531 at Florida Creek Crossing on CSAH 14 from Co. Rd. E3 to the Lac Qui Parle County Line (Resurfacing project).

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a bridge width of 23 feet instead of the required 24 feet and a bridge structural capacity of H-14.6 instead of the required H-15.

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.

December 17, 1984

Richard P. Braun
Commissioner of Transportation

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.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

**Department of Administration
Procurement Division**

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
42-204-07650, 51	Rental of Photocopy Machines	Labor & Industry	Labor & Industry	Contact buyer
26-071-14835	Purchase of CRT Word Processing System	Mankato State University	Mankato	Contact buyer
07-500-32751	Portable Scales	Public Safety	St. Paul	Contact buyer
26-074-00000	Telephone System	Winona State University	Winona	Contact buyer

STATE CONTRACTS

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
07-500-32904	Speed Measurement Devices	Public Safety	St. Paul	Contact buyer
55-000-90022	Visualtek Voyager	Services for the Blind	St. Paul	Contact buyer
Rebid 10-200-02335, 4386 Special Ad	Biennial Budget Books	Finance	St. Paul	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Human Services Long Term Care Rates Management Division

Amendment to Request for Proposal Governing Case Mix Reimbursement Methodologies for Intermediate Care Facilities for Mentally Retarded (ICF/MR) and Day Training and Habilitation Agencies

The deadline for the submission of proposals responding to the Request for Proposal Governing Case Mix Reimbursement Methodologies (9 S.R. 1264) published on December 3, 1984 has been extended from December 31, 1984 to January 18, 1985.

All proposals responding to this Request for Proposal must be postmarked on or before January 18, 1985.

If you have questions regarding this amendment or the Request for Proposal contact:

Long Term Care Rates Management Division
Department of Human Services
4th Floor, Centennial Office Building
St. Paul, MN 55155
612/297-1698

Minnesota Historical Society

Notice of Availability of Contract Services for Micrographics Projects Coordinator

Contingent upon receipt of grant funds, the Minnesota Historical Society will require a qualified independent contractor to serve as project coordinator to carry out a national study of standards established for the archival quality of microform of state and local government records, and of methods used by the responsible government authorities to enforce standards and assure film quality. Requires gathering and studying pertinent literature, developing a bibliography and a survey instrument, conducting the mail and telephone survey, compiling and analyzing replies, drafting recommendations, and preparing two final products: a published report and a reference collection of background materials and survey returns. Technical and government records personnel will serve on a panel advising the coordinator.

REQUIREMENTS:

1. Familiarity with micrographics issues.
2. Good organizational skills.
3. Ability to meet deadlines.
4. Demonstrated writing and editing capability.
5. Demonstrated success in completing work requiring attention to detail.
6. Preference will be given to applicants familiar with government and/or records management.

Contract amount is not to exceed \$17,000. No benefits are included. Contract period shall begin as soon as possible after January 11, 1985, and must be completed within one year from commencement.

Qualified independent contractors should send a resume, three letters of reference demonstrating applicable experience, and samples of written materials to Gloria A. Thompson, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 no later than January 11, 1985.

State Designer Selection Board

Request for Proposal for State Project

TO ARCHITECTS AND ENGINEERS REGISTERED IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for a project for the Department of Administration. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., February 6, 1985, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

STATE CONTRACTS

7. PROJECT—1-85

**Prepare Plans for the Renovation of
Mechanic Arts High School,
St. Paul, Minnesota
FEES: \$100,000.00**

The proposed renovation of Mechanic Arts High School will involve the remodeling of approximately 116,000 gross square feet on five floors. This project remodeling does not include the remodeling of the adjoining gymnasium. The intent of this renovation is to provide office space to State agencies.

The State agencies that will occupy the building have not been identified at this time. In this initial contract phase the consultant shall prepare documents that will allow the building to accept a variety of user office needs. This phase of work would be similar to a building reuse or retrofit, which is being designed for a owner who anticipates future "lease-hold" improvements.

A) The Project Scope includes:

3) Project Details:

1) A review and understanding of data prepared in 1981 titled "Mechanic Arts High School Reuse Feasibility Study". (Copies of this document are available for review at the offices of the Division of State Building Construction).

2) An up-date of the feasibility report as required to define the existing condition.

3) The preparation of an architectural program including schematic plans and cost estimates.

It is intended that services for the construction documents and contract administration will be negotiated with this consultant. Documents must be reviewed by the Capitol Area Architecture and Planning Board.

Questions relative to this project may be referred to Jim Whipkey, State Building Construction at 296-8809.

John D. Nagel, Chairman
State Designer Selection Board

SUPREME COURT

Decisions Filed Friday, December 21, 1984

Compiled by Wayne O. Tschimperle, Clerk

C0-84-248 State of Minnesota, Plaintiff-Petitioner, v. Alvin Rud; Rosemary Ann Rud. Court of Appeals.

State's dismissal of criminal charges during pendency of its appeal from decision of Court of Appeals does not justify dismissal of the appeal as moot where the issues remain functionally justifiable and are public issues of statewide importance that should be decided immediately.

Criminal defendant seeking dismissal of charges at probable cause portion of omnibus hearing may call witnesses whose testimony, if believed by a jury, would exonerate him; the defendant may not call the victim for discovery purposes and may not call the victim as an exonerating witness without making a persuasive offer of proof that the victim's testimony, when looked at in the context of all the admissible evidence that the prosecutor will produce at trial, will lead to a dismissal of the charges.

Production of exonerating evidence by criminal defendant at probable cause hearing does not justify the dismissal of the charges if the record establishes that the prosecutor possesses substantial evidence that will be admissible at trial and that would justify denial of a trial motion for a directed verdict of acquittal.

Reversed. Amdahl, C. J.

C4-83-1893 Daniel Hodge, Relator, v. Hodge Construction and Aetna Casualty and Surety Company, A Home of Your Own and Federated Mutual Insurance Company, Minnesota Department of Public Welfare. Workers' Compensation Court of Appeals.

Remanded. Todd, J.

C7-82-1246, C3-82-1261 Robin Verhel, a Minor, by Albert Verhel, Her Father and Natural Guardian, and Albert Verhel, Individually v. Independent School District No. 709, a Public Corporation, Appellant (C7-82-1246), Diane Williams, John Estes House, Appellant, (C3-82-1261), Karen Ann Pitoscia and Frank R. Pitoscia. St. Louis County.

The school district had a duty to supervise the banner activity of the cheerleading squad. The school district's negligent failure to supervise was a direct cause of the plaintiff's injuries.

The rulings of the trial court with regard to evidence of alcohol consumption and lack of impairment were not in error. Failure to instruct the jury to disregard testimony of alcohol consumption was within the sound discretion of the trial court.

The trial court did not err in allowing introduction of evidence regarding defendant's driving behavior prior to the accident.

The damages found by the jury, while generous, were not excessive or unreasonable as a matter of law.

Under the facts and circumstances of this case, including the jury instructions as requested and given, the verdict was reconcilable.

Affirmed. Wahl, J.

Dissenting in part: Simonett, J., Peterson, J., Coyne, J., and Kelley, J.

C9-83-1887 Elizabeth Shogren, Relator, v. Bethesda Lutheran Medical Center and Insurance Company of North America, Minnesota Department of Employment Security. Workers' Compensation Court of Appeals.

The compensation judge's determinations that a registered nurse did not act unreasonably in refusing a clerical position offered her by the employer, that she had made a reasonably diligent effort to obtain work within the lifting restriction imposed by her doctor, and that she suffered temporary total disability following termination of her employment as a staff nurse have substantial evidentiary support. The Workers' Compensation Court of Appeals exceeded its statutory powers of review in substituting a contrary finding that employee had unreasonably refused the offered position and the conclusion that she was not entitled to further temporary total disability benefits.

Reversed. Wahl, J.

C1-84-856 James Washington, Deceased, by Anita Washington, Trustee, Relator, v. Donaldson's (Majac, Inc.) and Employers Insurance of Wausau, Travelers Insurance Company, Group Health Plan, Inc. Workers' Compensation Court of Appeals.

When an employee of a Minnesota employer suffers disablement in Minnesota because of an occupational disease which was not caused by substantial exposure in Minnesota but was caused by substantial exposure while working for the employer in another state, the employee has sustained a compensable personal injury in this state.

Under the circumstances of this case the law applicable to determine which insurer is liable for the compensation award is that to which the parties agreed during the compensation hearing.

Reversed and remanded for reinstatement of the compensation judge's order. Wahl, J.

C9-84-541 Jeffrey A. Keeler, Relator, v. Control Data Corporation, State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

When the ocular motility of one eye is impaired due to injury, and double vision results when the other unimpaired eye overcompensates therefor, the employee is entitled to permanent partial disability benefits for injury to the one injured eye under Minn. Stat. § 176.101, subd. 3(21) (1982), and is not entitled to benefits for injury to both eyes under subdivision 3(46) of that section.

Affirmed. Simonett, J.

C8-82-1031 State of Minnesota, v. James Alan Myers, Appellant. St. Louis County.

Evidence was sufficient to sustain defendant's conviction for criminal sexual conduct in the second degree.

In a prosecution for criminal sexual conduct, the testimony of a minor victim need not be corroborated unless the evidence otherwise adduced is insufficient to sustain conviction.

The trial court's refusal to let defendant attack the victim's credibility by testifying about past instances in which complainant may have lied was not a denial of defendant's rights under the Sixth Amendment of the United States Constitution to confront his accuser.

It is within the trial court's discretion to admit qualified expert testimony describing the psychological and emotional characteristics typically observed in sexually abused children and those observed in the complainant and giving other background data providing a relevant insight into the conduct and demeanor of the child complainant which the jury could not otherwise bring to its evaluation of her credibility.

Defendant opened the door to opinion testimony regarding the truthfulness of complainant's allegations by eliciting the opinion of complainant's mother about the truthfulness of her daughter's allegations.

Affirmed. Coyne, J.

SUPREME COURT

C6-83-874 State of Minnesota v. Martin J. Specht, Appellant. St. Louis County.

Any error in refusing to let defense counsel demonstrate to the jury that photographic display was suggestive and that therefore eyewitness' identification of defendant was unreliable was nonprejudicial error.

Disorderly conduct and unlawful assembly are not necessarily included within the charged offense of making a terroristic threat and therefore trial court did not err in refusing to submit them to jury as lesser offenses.

Affirmed. Coyne, J.

C1-82-1663 In Re: Petition for Disciplinary Action Against John L. Preuter, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Per Curiam

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