

85, March 11

STATE REGISTER

STATE OF MINNESOTA

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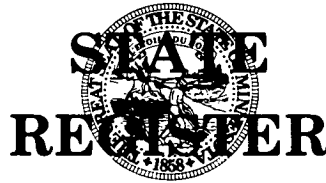
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VOLUME 9, NUMBER 37

March 11, 1985

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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 9			
38	Monday Mar 4	Monday Mar 11	Monday Mar 18
39	Monday Mar 11	Monday Mar 18	Monday Mar 25
40	Monday Mar 18	Monday Mar 25	Monday Apr 1
41	Monday Mar 25	Monday Apr 1	Monday Apr 8

*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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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:

Table with 2 columns: Issue range and cumulative issue. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

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

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EXECUTIVE ORDERS

Executive Order No. 85-6

Providing for Actions by State Agencies to Counter an Economic Crisis

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the state is experiencing an economic emergency because of distress in agricultural and certain other areas of the state; and

WHEREAS, a declaration of economic emergency was made by Executive Order on the 29th day of January, 1985, and an economic crisis commission was appointed to recommend responses to that emergency; and

WHEREAS, the commission has reported on this date its recommendations for programs and actions to help relieve this emergency; and

WHEREAS, many of these recommendations call for responses by state agencies;

NOW, THEREFORE, I ORDER:

1. All heads of agencies in the Executive Branch of state government shall identify existing and budgeted resources within the jurisdiction of their agencies that may be directed or targeted to provide assistance to persons affected by the economic emergency. The agency heads shall give particular attention to resources that could be used for the programs and activities recommended by the economic crisis commission.

2. The agency heads shall report the identified resources to the appropriate subcabinet chair no later than March 1, 1985, and the subcabinets shall meet as soon as possible thereafter to consider the resources so identified and approve strategies for coordinated implementation of programs to help resolve the economic emergency.

3. The strategies shall specify in detail the programs and resources intended to be directed to the assistance of persons affected by the economic emergency, and shall include timetables for implementation. If legislative or rule changes are necessary to implement the programs, these shall be noted in the proposed strategies.

4. Each subcabinet shall report its recommended strategies to me no later than March 15, 1985. Upon approval by me of the recommended strategies, they shall be implemented as soon as possible thereafter. Each affected subcabinet shall provide me with a status report on the implementation of these strategies on May 1, 1985, and the first day of each month thereafter.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until July 1, 1986.

IN TESTIMONY WHEREOF, I have set my hand this 15th day of February, 1985.



Executive Order No. 85-7

Providing for Issuance of Proclamations for Recurring Events on Established Dates

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, certain events are observed every year on the same dates; and

WHEREAS, proclamation guidelines specify that proclamations be requested by Minnesota organizations; and

WHEREAS, proclamation guidelines also limit the issuance of proclamations to prominent state-wide or community events, or events honoring noteworthy individuals; and that they not deal with commercial, fundraising, or political events;

NOW, THEREFORE, I ORDER:

1. That proclamations for recurring established events as set forth on the attached pages will be covered by this Executive Order; and
2. That those proclamations will be observed on the established dates for all years that I remain in office.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until December 31, 1986.

IN TESTIMONY WHEREOF I have set my hand this 19th day of February, 1985.



EXECUTIVE ORDERS

Productivity Month—January—PRODIMPROV	January
Eye Health Care Month—January—EYECARE	January
Hobby Month—January—HOBBYMONTH	January
All MN Foods Week in All MN Schools	
—Jan. 6-12—MNFOODS	first full week in January
High Technology Week—Jan. 14-18—HIGHTECHPR	second week in January
MN Youth Health Week—Jan. 13-19—YOUTHHEAL	second week in January
MN School Nurse Day—Jan. 23—SHAPE Week	
—Jan. 20-26—MNNURSEDAY	third week in January
Kiwanis Week—January 20-26—KIWANIS	third week in January
Children's Heart Fund Week	
—Jan. 27-Feb. 2—HEARTWEEK	fourth week in January
Ukrainian Independence Day—Jan. 22—UKRAINDAY	January 22
POW/MIA Awareness Day—Jan. 27—POWMIA	January 27
MN Juvenile Officers Day—Jan. 31—MNJUVOFF	January 31
Afro-American History Month—Feb. AFROAMER	February
American History Month—Feb.—AMERHIST	February
Inventor's Month—February—INVENTWEEK	February
Boy Scouting Anniversary Month—Feb.—BOYPROC	February
Heart Month—February—HEARTMONTH	February
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I Love to Read Month—February—READMONTH	February
Children's Dental Health Month—Feb.—CHILDDENT	February
World-Wide Christian Fellowship Week	
Feb. 2-9—WWCFPROC	first week in February
School Counselors Week—Feb. 4-8—SCHOOLCOUN	first week in February
Crime Prevention Week—Feb. 3-9—CRIMEPREVT	first week in February
Peanut Butter and Milk Week	
—Feb. 2-8—PEANUTBUT	first week in February
Plastics in MN Week—Feb. 3-9—PLASTICS	first week in February
Catholic Schools Week—Feb. 3-9—CATHOLIC	first week in February
Ten Outstanding Young MNs Day—Feb. 2-TOYM	first Friday in Feb.
Nat. Cardiovascular Technologists Week	
—Feb. 11-15—CARDIOTECH	second week in February
Family Interest Group—Head Trauma Week	
—Feb. 10-16—GROUPHEAD	second week in February
DECA Week—Feb. 10-16—DECA	second week in February
Vocational Education Week—Feb. 10-16—VOCEDWEEK	second week in February
World Marriage Day—Feb. 10—MARRIAGEDA	second Sunday
Edison Science & Engineering Youth Day	
—Feb. 11—EDISON	Feb. 11
Nat. Patriotism Week—Feb. 18-24—PATRIOTWE	third week in February
School Safety Patrol Week—Feb. 17-23—SAFEPATROL	third week in February
Free Enterprise Week—Feb. 17-13—FREEPROC	third week in February
American Saddlebred Week—Feb. 17-23—SADDLEBRED	third week in February
FFA Week—Feb. 16-23—FFAWEEK	third week in February
Quality Improvement Week—Feb. 24-March 1	
—QUALITYIMP	fourth week in February

Swedish Youth Home Guard Days—Feb. 22-March 7 —SWEDISH	fourth week in February thru first week in March
Norwegian Home Guard Days—Feb. 23-March 5 —NHGDP	fourth week in February thru first week in March
Youth Art Month—March—YOUTHART	March
SPAN Month—March—SPANPROC	March
Music in Our Schools Month—March—MUSICSCH	March
KIDS Month—March—KIDSWEEK	March
State Land Surveyor's Month—March—SURVEYORS	March
Safety Belt Month—March—CORPSAFETY	March
Mental Retardation Month—March—MENTALRETA	March
Kidney Month—March—KIDNEY	March
Prof. Social Work Month—March—PROFSOMON	March
National Nutrition Month—March—NUTRITION	March
Save Your Vision Week—March 3-9—SAVEVISION	first week in March
Health Fair Week—March 2-9—HEALTHPROC	first week in March ??
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Chapter 1 Awareness Week—March 3-9—CHAPTER1	first week in March
PTA Drug & Alcohol Awareness Week —March 3-9—PTADRUG	first week in March
Nurse Anesthetist Week—March 3-9—NURSEANEST	first week in March
American Assoc. of University Women Week March 3-10—AAUWW	first week in March
National Drafting Week—March 3-9—DRAFTWEEK	first week in March
Minne-HOSA/Health Occup. Week —March 10-16—MINNEHOSA	second week in March
Salolampi Week—March 10-16—SALPROC	second week in March
Family Practice Week—March 11-16—FAMPRACT	second week in March
Camp Fire Birthday Week/Camp Fire Friendship Day —March 17-23—CAMPFIREPR	third week in March
Home Economics Week—March 17-23—HOMEECON	third week in March
Poison Prevention Week—March 17-23 —POISONPROC	third week in March
Tornado Awareness Week—March 24-30—TORPORC	fourth week in March
Youth Recognition Week—March 24-30—YOUTHREC	fourth week in March
Update '85 Days—March 28-29—UPDATA85	fourth Thursday-Friday in March
Honor Your Guard & Reserve Month —April—GRDRESPROC	April
Cancer Control Month—April—CANCERCONT	April
Child Abuse Prevention Month—April—CAPMPROC	April
No Hitters Day—April 27	April
Gifted & Talented Youth Month—April—GIFTEDTAL	April
Registration Awareness Month—April—REGPROC	April
Pets Are Wonderful Month—April—PETPROC	April
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Hospital Admitting Personnel Week —April 8-12—HOSPADMIT	second week in April

EXECUTIVE ORDERS

Office Systems Week—April 8-12—OFFICESYST	second week in April
Hospital Pharmacy Week—April 7-13—HOSPPHAR	second week in April
Days of Remembrance of the Victims of the Holocaust—April 14-21—	Mid April—go by the Jewish calendar
Mothers of Multiple Birth Weekend—	
April 19-21—MULTIBIRTH	third weekend in April
Patriot's Day—April 19—PATRIOTSPR	April 19
Queen Isabella Day—April 22—QUEENPROC	April 22
Dan Patch Day—April 29—DANPATCH	April 29
Organ and Tissue Donor Awareness Week	
—April 21-27—ORGANDON	fourth week in April
Volunteer Recognition Week	
—April 22-28—VOLRECWEEK	fourth week in April
DES Awareness Week—April 21-27—DESPROC	fourth week in April
Professional Secretaries Week—April 21-27	
Professional Secretaries Day—April 24	fourth week in April
Youth Temperance Education Week—April 21-27	
—YOUTHTEMP	fourth week in April
La Leche League Week—April 28-May 4—LALEPROC	last week in April-first week in May
Licensed Practical Nurses Week	last week in April-
—April 28-May 4—LPNPROC	first week in May
Nursing Home Resident's Day	
—April 26—NURSHOMRES	last Friday in April
Medical Assistants Day—April 27—MEDPROC	April 27
Arbor day—April 26—ARBOR	last Friday in April
Arbor Month—May—ARBOR	May
Poppy Month—May—POPPYPROC	May
Minnesota Beautiful Month—May—MNBEAUTY	May
Mental Health Month—May—MENTHEALTH	May
Philanthropy Day—May 16—PHILPROC	May 16
International Museum Day—May 18—MUSEUMDAY	May 18
MN Correctional Officers Week	
—May 5-11—CORRECTOFF	first full week in May
Bicycle Safety Week—May 5-11—BIKESAFETY	first full week in May
Motorcycle Safety Week—May 5-11—MOTORCYCLE	first full week in May
National Photo Week—May 6-12—PHOTO	first full week in May
National Music Week—May 5-12—MUSICPROC	first full week in May
Transportation Week—May 11-19—TRANSPORTW	second week in May
Railway Women's Day—May 15—RAILWOMEN	Wednesday of Transp. week
Nursing Home Week—May 12-18—NURSEHOME	second week in May
Law Enforcement Week—May 12-18—LAWPROC	second week in May
Occupational Therapy Week—May 12-18—OCCPROC	second week in May
ROTC Day—May 11—ROTCPROC	second Saturday in May
Mother's Day—May 12—MOTHERPROC	second Sunday in May
International Museum Day—May 18—MUSEUMDAY	May 18
Asian/Pacific American Heritage Week	
—May 12-18—ASIANHERT	second week in May
World Trade Week—May 19-26—WORLDPROC	third week of May

EXECUTIVE ORDERS

Flash Flood Awareness Week	
—May 19-25—FLASHFLOOD	third week in May
Public Works Week—May 20-25—PUBWORKS	third week in May
Rivers Month—June—RIVERMONTH	June
Dairy Month—June—DAIRYMON	June
National Pest Control Month—June—PESTPROC	June
Danish Day—June 3—DANISHDAY	June 3
Safe Boating Week—June 2-8—SAFEBOAT	first week in June
American Business Women's Week—June 4-9 —AMERBUSWOM	first week in June
Father's Day—June 16—FATHERDAY	the third Sunday in June
Music and Polka Festival Days —June 19-23—POLKAPROC	the third full weekend in June
Safety in the Workplace Week —June 23-29—SAFEWORK	fourth week in June
Spaceweek—July 16-24 Spaceday July 20—SPACE	July 16-24, July 20
Softball Week—July 21-27—SOFTBALL	fourth week in July
Trappers Day—Aug. 17—TRAPPERS	third Sat. in August
School Bus Safety Month—Sept.—SCHOOLBUS	September
Prevent Blindness Month—Sept.—BLIND	September
Literacy Month/Day—Sept./Sept. 8—LITERACY	September-Sept. 8
Square Dance Month—Sept.—SQUAREDANC	September
Defenders Day—Sept. 14—DEFENDERS	September 14
Home Sewing Week—Sept. 15-21—HOMES EW	third week in Sept.
Wagon Train Days For Youth—Sept. 13-15 —WAGONTRAIN	third Friday through Sunday
Prince Hall F.&A. Masonic Week —Sept. 15-21—PRINCEHALL	third Sunday through next Sat.
Kinship Week—Sept. 22-28—KINSHIP	fourth week in Sept.
Radiologic Technology Week —Sept. 22-28—RADTECHWEE	fourth week in Sept.
Myasthenia Gravis Month—Oct.—GRAVIS	October
Co-op Month—Oct.—COOPMONTH	October
Community Living Awareness Week —Oct. 6-12—COMMLIVING	first week in October
Hawk Watching Week—Oct. 6-12—HAWKWATCH	first week in October
Fire Prevention Week—Oct. 6-12—FIREPREVT	first week in October
Freedom Week—Oct. 13-19—FREEDOM	second week in October
International Alpha Delta Kappa Week —Oct. 13-19—ALPHADELTA	second week in October
World Food Day—Oct. 16—FOODAY	Oct. 16
High School Activities Week —Oct. 20-27—SCHOOLACT	third week in Oct.
Lupus Awareness Week—Oct. 20-26—LUPUS	third week in Oct.
Corp. Minor. Business Exchange Day —Oct. 18—CORPMINOR	third Friday in Oct.
Good Bear Day—Oct. 27—GOODBEAR	October 27
Lamb and Wool Month—November—LAMBWOOL	November

EXECUTIVE ORDERS

REACT Month—November—REACTMONTH
Insurance Day—Nov. 1—INSURANCE
Critical-Care Nursing Week—Nov. 4-10—CRITCARE
Veterans Day—Nov. 11—VETERANS
Thanksgiving Day—Nov. 28—THANKSGIVE
Civil Air Patrol Week—Dec. 1-8—CIVILAIR
Pearl Harbor Remembrance Day
—Dec. 7—PEARLHARB
Drunk & Drugged Driving Awareness Week
—Dec. 8-14—DRUNK-DRUG
MN Bandy Awareness Week—Dec 22-29—BANDY

November
first Friday in November
first week in November
November 11
last Thursday of Nov.
first week in December

Dec. 7

second week in Dec.
fourth week in Dec.

Emergency Executive Order No. 85-8

Providing Clean Drinking Water to the Residents of Franklin, Minnesota

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Sheriff of Renville County has requested assistance in providing clean drinking water for the residents of Franklin, Minnesota due to failure of the municipal water supply caused by cold weather and mechanical problems; and

WHEREAS, Renville County and other local officials have exhausted all other available resources in their efforts to provide safe drinking water for the residents of Franklin, Minnesota.

NOW, THEREFORE, I ORDER:

1. The Adjutant General of Minnesota to order to active duty on or after February 13, 1985, in service of the State, such elements of the military forces of the State and equipment as are necessary to provide drinking water to the residents of Franklin, Minnesota. These forces shall be utilized for a period of time as necessary.

2. Cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for by Minnesota Statutes, Section 192.49, Subdivision 1, Section 192.51 and Section 192.52.

Pursuant to Minnesota Statutes, Section 4.035, this Emergency Order shall be effective retroactive to February 13, 1985, and shall remain in effect until such date as elements of the military forces of the State are no longer required or until rescinded by proper authority.

IN TESTIMONY WHEREOF I have set my hand this 19th day of February, 1985.



PROPOSED RULES

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

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

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

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

Department of Education Secondary Vocational Programs

Proposed Rule Relating to License to Teach Auto and Truck Dismantling

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28.

This rule establishes the criteria for licensure as an instructor of a secondary vocational auto and truck dismantler program.

Persons interested in this rule are encouraged to submit comments in support of or in opposition to the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed. Persons submitting these comments shall have 30 days to submit comments on the proposed rule following publication in the *State Register*. The proposed rule 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 rule 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 Minn. Stat. §§ 14.131 to 14.20.

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

Tom Ryerson
518 Capitol Square Building
550 Cedar
St. Paul, MN 55101
(612) 296-3306

Authority for the adoption of this rule is contained in Minn. Stat. §§ 121.11, subd. 12; 125.185, subd. 4. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available from Tom Ryerson upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, and the Statement of Need and Reasonableness, all written comments received, and the final Rule 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 rule as proposed for adoption, should submit a written statement of such request to Tom Ryerson.

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

The Board estimates that the proposed rule will not require an expenditure of public monies by all local public bodies of an amount which exceeds \$100,000 in either of the two years immediately following adoption of the proposed rule. This proposed rule will not directly affect small businesses.

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

A free copy of this notice and the proposed rule is available and may be obtained by contacting Tom Ryerson.

February 12, 1985

Ruth E. Randall
Secretary
State Board of Education

Rules as Proposed (all new material)

3515.4621 AUTO AND TRUCK DISMANTLING.

An applicant for an entrance license to teach the vocational program of auto and truck dismantling at a secondary school must complete either items A or B and C.

A. The applicant must have a bachelor's degree in industrial education or industrial arts, and the following work experience:

- (1) 600 hours of auto and truck dismantling yardwork experience;
- (2) 600 hours of auto and truck salvage inventory and warehouse experience;
- (3) 600 hours of auto and truck salvage sales counter management experience; and

(4) 1,200 hours of auto and truck trade experience pertinent to auto and truck dismantling such as auto and truck mechanic, auto and truck rebuilder, auto and truck sales and service, and auto and truck sales or new/rebuilt parts sales management.

B. The applicant must have 6,000 hours of work experience as follows:

- (1) 1,200 hours of auto and truck dismantling yardwork experience;
- (2) 1,200 hours of auto and truck salvage inventory and warehouse experience;
- (3) 1,200 hours of auto and truck salvage sales counter management experience; and

(4) 2,400 hours of auto and truck trade experience pertinent to auto and truck dismantling such as auto and truck mechanic, and auto and truck rebuilder, auto and truck sales and service, and auto and truck sales or new/rebuilt parts sales management.

C. An applicant must meet the requirements on the industrial education portion of the secondary licensure chart in part 3515.9911. Option B on the industrial education portion of the chart is not an option for this license.

Department of Energy and Economic Development Small Business Finance Agency

Proposed Rules Relating to Tourism Loan Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority is proposing to adopt emergency rules for Tourism Loans. The agency is authorized by Minnesota Statutes, section 116M.08, subdivision 4, to adopt emergency rules for its financial assistance programs.

All interested parties have 25 days from the day of publication of this notice in the *State Register* to submit written comments to the agency in support of or in opposition to the proposed emergency rules, and comments are encouraged. With publication of this

notice in the March 11, 1985 *State Register*, written comments must be received by the agency no later than 4:30 p.m. on April 5, 1985. Written comments should be sent to:

Terry Brown
Financial Management Division
Department of Energy & Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: 612/297-1981

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the agency will become part of the record in this matter.

The proposed emergency rules with any modifications adopted by the agency, will be submitted to the Attorney General for review as to form and legality after close of the comment period. Persons wishing to be informed of the date of submission of the proposed emergency rules to the Attorney General should notify the agency of such desire at the address given above. The Attorney General has ten working days to approve or disapprove the rules.

The emergency rules will be effective five working days following approval of the rules by the Attorney General. It is the agency's intent to keep the rules in effect for a period of 180 days, although the proposed emergency rules may be continued in effect for an additional period of up to 180 days if the agency publishes a separate notice to such effect in the *State Register* and mails the same notice to all persons on the agency's list to receive notice of rulemaking proceedings.

A full copy of the proposed emergency rules is available by contacting Terry Brown at the above address.

February 25, 1985

Mark B. Dayton, Commissioner
Department of Energy and Economic Development
and Chairman of the Minnesota Energy and
Economic Development Authority

Emergency Rules as Proposed (all new material)

**CHAPTER 8300
DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT
SMALL BUSINESS FINANCE AGENCY
TOURISM LOAN PROGRAM**

8300.3060 [Emergency] PURPOSE OF TOURISM LOAN PROGRAM.

The purpose of the tourism loan program of the authority is to provide loans to upgrade and improve Minnesota's small tourism business. This program would match loans by local financial institutions, share credit risks, and provide for lower interest rates than are otherwise now available.

8300.3061 [Emergency] DEFINITIONS.

Subpart 1. Statutory terms. The definitions in Minnesota Statutes, section 116M.03 and this part apply to parts 8300.3060 to 8300.3070 [Emergency].

Subp. 2. Act. "Act" means the Minnesota Energy and Economic Development Authority Act.

Subp. 3. Commissioner. "Commissioner" means the commissioner of energy and economic development.

Subp. 4. Eligible borrower. "Eligible borrower" means a person, partnership, firm, or corporation engaged in, and determined by the authority to constitute, a tourism business as defined in Code of Federal Regulations, title 13, part 121, and a targeted small business. Any person to whom a loan has been made under parts 8300.3060 to 8300.3070 [Emergency] must maintain his or her status as an eligible borrower throughout the term of the loan.

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

Subp. 5. Eligible project. "Eligible project" means a project proposed by an eligible borrower that meets the public purpose standards of part 8300.3068 [Emergency], subpart 5.

Subp. 6. Participation. "Participation" means a contract by which the authority purchases a share of the financial institution's loan to an eligible borrower.

8300.3062 [Emergency] ELIGIBILITY OF PROJECT FOR TOURISM LOANS.

In order to receive loan participation by the authority, a financial institution's loan must be to an eligible borrower for an eligible cost in an eligible project. The maximum state participation is 50 percent of the cost of the project, with a maximum for any one project of \$50,000. The financial institution shall make application for participation on behalf of an eligible borrower.

8300.3063 [Emergency] ELIGIBLE COSTS FOR TOURISM LOANS.

Subpart 1. Eligible costs. Eligible costs for financing by the authority include any costs not prohibited by subpart 2 for:

- A. building construction and improvement;
- B. site preparation;
- C. equipment;
- D. construction;
- E. engineering;
- F. authority fees including application fees of the authority; and
- G. interest due on the loan during the period of construction.

Subp. 2. Ineligible cost. Capital expenditures for project costs made fewer than 30 days prior to submission of an application cannot be financed with a tourism loan.

8300.3064 [Emergency] INTEREST RATE FOR TOURISM LOANS.

The interest rate on the authority's participation under the tourism loan program is three percentage points below a full faith and credit obligation of the United States government of comparable maturity, as of five working days before the day of closing of the loan, as determined by the commissioner. The authority may, in the alternative, set interest rates at a negotiated rate after reviewing market rates and comparable sources of financing available to the borrowers at the time the financial assistance is extended.

8300.3065 [Emergency] TERM OF LOAN FOR TOURISM LOANS.

The maximum term of any loan will not exceed the average useful life of the real property, or 80 percent of the useful life of the equipment or machinery, or the following limits, whichever is less:

- A. for real property (land or buildings), ten years;
- B. for equipment or machinery, five years; and/or
- C. for a combination of items A and B, a weighted average of those years will be used.

The financial institution is permitted to amortize the loan over a period of years up to 15 years. The authority need not participate in the refinancing of any remaining portion of the principal not fully amortized and paid at the maturity of the loan.

8300.3066 [Emergency] SECURITY REQUIREMENTS FOR TOURISM LOANS.

All loans for real property or equipment must be secured by collateral. The financial institution must take a security interest in any collateral acceptable by the financial institution. The authority has a security interest in the collateral in a proportion equal to its participation in the loan. The personal guarantee of principal owners, officers, sole proprietors, partners, major shareholders or corporate officers of the borrower, or other related entities such as subsidiaries or parent corporations of the borrower, must also be given to the authority before loan participation will be approved. For the purposes of this part, principal owners are those having 20 percent or more ownership of any tourism project.

8300.3067 [Emergency] CONTENTS OF APPLICATION FOR TOURISM LOANS.

An application for participation must be made by the financial institution on behalf of the eligible borrower on a form provided by the commissioner and must contain or be accompanied by:

- A. a copy of the financial institution's file regarding the borrower's loan application;
- B. a statement by the borrower, in the form provided in Minnesota Statutes, section 13.05, subdivision 4, paragraph (d), or a form similar to it if the borrower is a corporation, consenting to the dissemination of any private or nonpublic data applicable to the loan;

C. a letter containing the financial institution's assessment of the risks associated with the loan, and the credit worthiness of the borrower; and

D. a letter from the borrower demonstrating how the project meets the public purpose requirements of part 8300.3068.

8300.3068 [Emergency] PROCEDURES FOR TOURISM LOAN APPROVAL.

Subpart 1. Preliminary eligibility review. An application is considered to have been made upon the commissioner's receipt of a completed application with all required documentation and exhibits. The commissioner shall make a preliminary determination whether the application is complete and whether the borrower, project, and costs are eligible for consideration under the statutes and rules of the tourism loan program.

Subp. 2. Notification of deficiencies. If the commissioner determines the application to be incomplete, the commissioner or his or her designee shall notify the borrower, specifying the deficiencies. The financial institution has 60 days from the date of the commissioner's notification to complete the application in accordance with parts 8300.3060 to 8300.3070 [Emergency]. If an application is not made complete within 60 days of the date of the commissioner's notification of deficiencies, the application shall be rejected for processing and the financial institution must resubmit the application at a later date in order for it to be considered by the authority. An application which is completed by the last day of the month must be reviewed at the next month's authority meeting.

Subp. 3. Approval for processing. When an application is determined to be complete, the commissioner shall review it to assess the ability of the borrower to reasonably repay the loan and approve or disapprove the application for processing under subpart 4.

Subp. 4. Evaluation procedures. An application which, in the judgment of the commissioner, meets the standards and requirements in the act and parts 8300.3060 to 8300.3070 [Emergency] shall be submitted to the authority with a recommendation for its approval at the earliest possible time. Applications which do not meet the criteria, standards, and requirements of the act and parts 8300.3060 to 8300.3070 [Emergency] shall not be submitted to the authority for its consideration until the application documents have been modified to conform to the standards of the program. If a completed application has not been modified to meet the program financial requirements within 60 days after submission, it is considered rejected and the financial institution must submit a new application for further consideration.

Subp. 5. Requirements of public purpose. Loan applications by eligible borrowers for eligible costs shall be recommended for approval by the authority only after the commissioner has determined that the project meets one or more of the following standards of public purpose:

- A. that the project would contribute to upgrading, expanding, and improving Minnesota's tourism industry;
- B. that the project, in order to be competitive and bring in new travelers to the area, offer additional amenities and improve the quality of the tourism facilities in the state;
- C. that the project will protect and enhance the tax base;
- D. that the borrower can demonstrate a positive economic impact to the surrounding community; and
- E. that the project will retain lakeshore for public use.

Subp. 6. Approval. The authority may reject or disapprove any application for participation that does not provide sufficient documentation or otherwise comply with the provisions of the act and parts 8300.3060 to 8300.3070 [Emergency]. If the authority approves an application for participation, it shall pass a resolution stating the name of the borrower, a brief description of the project, the amount of participation, and the amount of and interest charged on participation.

Subp. 7. Participation agreement. After participation in a loan is approved by the authority, the financial institution shall provide the authority with copies of its documents for the loan. The financial institution must also submit a certificate to the authority stating that the interest approved by the authority will be passed on to the borrower.

8300.3069 [Emergency] LOAN SERVICING.

The financial institution shall collect payments according to the payment schedule outlined in the note. The financial institution shall notify the authority in case of default, as determined by the financial institution. The financial institution may retain a maximum of one percent of the interest payment on the amount of the authority's participation.

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PROPOSED RULES

8300.3070 [Emergency] AMORTIZATION SCHEDULES.

The financial institution shall allow loan payments to be made on other than a monthly basis in order to meet the amortization schedule established by the financial institution. A nonmonthly payment schedule shall allow for seasonal payments, where income is generated, or primarily generated, because of seasonal business.

Department of Labor and Industry Code Enforcement Division

Withdrawal of Proposed Rules Governing Steam Boilers & Operators

Notice of Hearing Cancellation and Withdrawal of Proposed Rules

Notice is hereby given that the hearing scheduled for March 7, 1985, in the above-captioned matter is hereby cancelled, and that the proposed amendments to rules in the above-captioned matter, as published in 9 S.R. 1739-1753, are hereby withdrawn.

February 20, 1985

Steve Keefe
Commissioner

Pollution Control Agency

Proposed Rules Governing the Use, Reuse, Recycling, or Reclamation of Waste

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends, without a public hearing, to adopt amendments to the rules governing the management by reuse, recycling or reclamation of hazardous waste. The Agency will follow the procedures set forth in Minn. Stat. §§ 14.22-14.28 (1984).

The proposed amendments add a new subpart to Minn. Rule Part 7045.0125 which establishes the management requirements applicable to a hazardous waste which is not a sludge as defined in 40 CFR § 260.10 (1984), is hazardous only because it has a pH greater than 12.5, contains no listed hazardous wastes, has been demonstrated not to be an irritative substance and is being beneficially used, reused, recycled or reclaimed. The proposed amendments also add a new provision, Minn. Rule Part 7045.0142, which sets forth the method of testing which must be used to determine if a high pH waste is an irritative substance. The proposed amendments are set forth below.

Persons interested in these amendments have until 4:30 p.m. on April 10, 1985, to submit comments on the proposed amendments. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Agency and the modifications do not result in a substantial change in the proposed amendments.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. § 14.14-14.20 (1984). If a person desires to request a public hearing, the Agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

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

Melba Hensel
Division of Solid and Hazardous Waste
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7776

Authority for adoption of these rules is contained in Minn. Stat. § 116.07, subd. 4 (1984). Additionally, the Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed

amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available for review in the Agency's office in Roseville and in each of the Agency's Regional Offices:

Brainerd Regional Office
304 East River Road, Suite 3
Telephone: (218) 828-2492

Detroit Lakes Regional Office
116 East Front Street
Telephone: (218) 847-1519

Marshall Regional Office
Box 286, 1104 East College Drive
Telephone: (507) 537-7146

Duluth Regional Office
Duluth Government Services Center
Room 704
320 West 2nd Street
Telephone: (218) 723-4660

Rochester Regional Office
1200 South Broadway
Suite 140
Telephone: (507) 285-7343

Upon adoption of the amendments by the Agency, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent 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 of the final adoption of the amendments, should submit a written statement of such request to Melba Hensel at the address previously stated.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small Business Considerations in Rulemaking," that the proposed amendments will have no significant impact on small businesses in Minnesota. The proposed amendments reduce the requirements which are applicable to the reuse and recycling of certain high pH hazardous waste. These reduced requirements may make it easier for all generators of such wastes, including small businesses, to manage such wastes through reuse, recycling or reclamation rather than through more expensive methods such as a disposal.

Please be advised that 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 (1984) 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.

Rule as Proposed

7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

Subpart 1. [Unchanged.]

Subp. 2. Requirements. A hazardous waste that is to be beneficially used, reused, or legitimately recycled or reclaimed is exempt from parts 7045.0205 to 7045.1030, and the agency's permitting requirements in chapter 7001, except as specified in items A to E. Hazardous waste must be transported in accordance with all applicable requirements in Minnesota Statutes, section 221.033 and Code of Federal Regulations, title 49, parts 171 to 179 (1983).

A. to E. [Unchanged.]

F. A hazardous waste that is not a sludge as defined in Code of Federal Regulations, title 40, section 260.10 (1984), and that is hazardous only because it has a pH greater than 12.5, contains no listed hazardous wastes, has been demonstrated not to be an irritative substance under the procedures of part 7045.0142, and is being accumulated, stored, or treated prior to beneficial use, reuse, recycling, or reclamation, is subject to the requirements of parts 7045.0214 to 7045.0217, 7045.0220 to 7045.0230, 7045.0240 to 7045.0249, 7045.0296, and 7045.1000 to 7045.1030.

Subp. 3. [Unchanged.]

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PROPOSED RULES

Rule as Proposed (all new material)

7045.0142 METHOD OF TESTING PRIMARY IRRITATIVE SUBSTANCES.

An irritative substance is a substance exhibiting skin irritation of an empirical score of five or more as determined by the following procedure. Primary irritation to the skin is measured by a patch-test technique on the abraded and intact skin of the albino rabbit, clipped free of hair. A minimum of six subjects are used in abraded and intact skin tests. Introduce under a square patch, such as surgical gauze measuring one inch by one inch and two single layers thick, 0.5 milliliter (in the case of liquids) or 0.5 gram (in the case of solids and semisolids) of the test substance. Dissolve solids in an appropriate solvent and apply the solution as for liquids. The animals are immobilized with patches secured in place by adhesive tape. The entire trunk of the animal is then wrapped with an impervious material, such as rubberized cloth, for the 24-hour period of exposure. This material aids in maintaining the test patches in position and retards the evaporation of volatile substances. After 24 hours of exposure, the patches are removed and the resulting reactions are evaluated on the basis of the designated values in the following table:

Skin reaction	Value*
Erythema and eschar formation:	
No erythema	0
Very slight erythema (barely perceptible)	1
Well-defined erythema	2
Moderate to severe erythema	3
Severe erythema (beet redness) to slight eschar formations (injuries in depth)	4
Edema formation:	
No edema	0
Very slight edema (barely perceptible)	1
Slight edema (edges of area well defined by definite raising)	2
Moderate edema (raised approximately one millimeter)	3
Severe edema (raised more than one millimeter and extending beyond the area of exposure)	4

* The "value" recorded for each reading is the average value of the six or more animals subject to the test.

Readings are again made at the end of a total of 72 hours (48 hours after the first reading). An equal number of exposures are made on areas of skin that have been previously abraded. The abrasions are minor incisions through the stratum corneum, but not sufficiently deep to disturb the derma or to produce bleeding. Evaluate the reactions of the abraded skin at 24 hours and 72 hours, as described in this paragraph. Add the values for erythema and eschar formation at 24 hours and at 72 hours for intact skin to the values on abraded skin at 24 hours and at 72 hours (four values). Similarly, add the values for edema formation at 24 hours and at 72 hours for intact and abraded skin (four values). The total of the eight values is divided by four to give the primary irritation score; for example:

Skin reaction	Exposure time (hours)	Evaluation value
Erythema and eschar formation:		
Intact skin	24	2
Do	72	1
Abraded skin	24	3
Do	72	<u>2</u>
Subtotal		8
Edema formation:		
Intact skin	24	0
Do	72	1
Abraded skin	24	1
Do	72	<u>2</u>
Subtotal		4
Total		12

Thus, the primary irritation score is $12 \div 4 = 3$.

Department of Revenue

Proposed Rule Governing Multistate Tax Compact

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to adopt Minnesota Rules Part 8017.5000, Multistate Tax Compact without a public hearing. The Commissioner of Revenue has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 14.21 to 14.28.

Minnesota Statutes, Sections 290.171 to 290.174 adopt provisions of the Multistate Tax Compact. Corporations which elect to have their income apportioned according to the Multistate Tax Compact formula need a set of rules to explain the formula. The Commissioner is, therefore, proposing to incorporate by reference the Multistate Tax Commission Allocation and Apportionment Regulations for use by taxpayers whose income is determined under Minnesota Statutes, Section 290.171, Article IV.

1. A 30-day comment period commencing from the date of publication of this notice is established. The Department of Revenue encourages all interested persons to submit comments in support of or opposition to the proposed rule. Comments should be mailed to the address listed below.

2. Each comment should identify the portion of the rule addressed, the reason for the comment and any proposed change(s).

3. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held.

4. Any interested person may request a public hearing by writing to the address listed below. The request must contain the name and address of the person requesting the hearing. Any person requesting a hearing may also identify the portion of the proposed rule addressed, the reason for the hearing request and any proposed change(s) in the rule.

5. This proposed rule may be modified if the modifications are supported by the data and views submitted.

6. Copies of the proposed rule and a Statement of Need and Reasonableness which describes the need for and reasonableness of the Rule and identifies the data and information relied upon to support the proposed rule, are available. Persons who wish to submit written comments, request that a public hearing be held, request a copy of the Statement of Need and Reasonableness or request a free copy of the rule should contact:

Harriet J. Sims, Attorney
Corporation Income Tax Division
Minnesota Department of Revenue
Corporation Income Tax Division
P.O. Box 64452
St. Paul, MN 55145
(612) 297-4058

7. Upon adoption as the final rule without public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rule 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 rule, as proposed for adoption, should submit a written statement of such request to Ms. Sims.

The proposed rule is summarized as follows:

1. Part 8017.2500, Subpart 1 states that when a taxpayer's income is apportioned under the allocation and apportionment provisions of the Multistate Tax Compact the taxpayer will be subject to the enumerated Multistate Tax Commission (MTC) allocation and apportionment provisions which have been incorporated by reference in proposed Minnesota Rules, Part 8017.5000. Taxpayers who elect not to have their income taxed under the Multistate Tax Compact will not be subject to the proposed rule.

2. Part 8017.5000, Subp. 1, Item A, incorporates MTC Regulation IV.1(a), which defines business income.

3. Part 8017.5000, Subp. 1, Item B, incorporates Regulation IV.1(d), which explains how deductions are treated.

4. Part 8017.5000, Subp. 1, Item C, incorporates Regulation IV.2(a)(1), which defines "taxpayer."

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

5. Part 8017.5000, Subp. 1, Item D, incorporates Regulation IV.2(a)(2), which defines "apportionment."
6. Part 8017.5000, Subp. 1, Item E, incorporates Regulation IV.2(a)(3), which defines "allocation."
7. Part 8017.5000, Subp. 1, Item F, incorporates Regulation IV.2(a)(4), which defines "business activity."
8. Part 8017.5000, Subp. 1, Item G, incorporates Regulation IV.2(b)(c), which provides that if a taxpayer does business within and without Minnesota and is also taxable in another state, it may use the Uniform Division of Income for Tax Purposes Act (UDITPA) as adopted in Minnesota Statutes, Section 290.171, Article IV to determine its Minnesota income.
9. Part 8017.5000, Subp. 1, Item H, incorporates Regulation IV.2(b)(2), which allows the use of a combined report. The Regulation has been amended to prohibit worldwide reporting.
10. Part 8017.5000, Subp. 1, Item I, incorporates Regulation IV.2(b)(g) and amends it so that nonbusiness income is allocated in accordance with Minnesota Statutes, Section 290.171, Article IV.
11. Part 8017.5000, Subp. 1, Item J, incorporates Regulation IV.2(c), which requires taxpayers to treat business and nonbusiness income consistently from year to year.
12. Part 8017.5000, Subp. 1, Item K, incorporates Regulation IV.3(a), which sets out criteria for determining whether a taxpayer is taxable in another state.
13. Part 8017.5000, Subp. 1, Item L, incorporates Regulation IV.3(b), which sets out criteria for determining whether a taxpayer is "subject to" tax in another state.
14. Part 8017.5000, Subp. 1, Item M, incorporates Regulation IV.3(c), which provides that a taxpayer is taxable in another state if the taxpayer has nexus with that state.
15. Part 8017.5000, Subp. 1, Item N, incorporates Regulation IV.9, which, as amended, provides that business income is apportioned to Minnesota by use of the three-factor apportionment formula of Minnesota Statutes, Section 290.171, Article IV.
16. Part 8017.5000, Subp. 1, Item O, incorporates Regulation IV.10(a), which provides that the property factor involves all real and tangible personal property owned and rented by the taxpayer and used in the regular course of the taxpayer's business.
17. Part 8017.5000, Subp. 1, Item P, incorporates Regulation IV.10(b), which explains what property is included in the property factor.
18. Part 8017.5000, Subp. 1, Item Q, incorporates Regulation IV.10(c), which requires the taxpayer to use a consistent method of valuing property or including or excluding it from the property factor.
19. Part 8017.5000, Subp. 1, Item R, incorporates Regulation IV.10(d), which provides rules for valuing real and tangible personal property.
20. Part 8017.5000, Subp. 1, Item S, incorporates Regulation IV.11(a), which provides that owned property is valued at original cost.
21. Part 8017.5000, Subp. 1, Item T, incorporates Regulation IV.11(b), which deals with rented property.
22. Part 8017.5000, Subp. 1, Item U, incorporates Regulation IV.12, which provides that the average value of property is determined by averaging the values at the beginning and ending of the period.
23. Part 8017.5000, Subp. 1, Item V, incorporates Regulation IV.13(a), which deals with the payroll factor.
24. Part 8017.5000, Subp. 1, Item W, incorporates Regulation IV.13(b), which states that the denominator of the payroll factor consists of total compensation paid everywhere. The Regulation is amended so that compensation paid is limited to compensation paid in the United States, the commonwealth of Puerto Rico or any possession of the United States.
25. Part 8017.5000, Subp. 1, Item X, incorporates Regulation IV.13(c), which provides that the numerator of the payroll factor is the total amount paid in Minnesota by the taxpayer for compensation.
26. Part 8017.5000, Subp. 1, Item Y, incorporates Regulation IV.14, which sets out several tests used to determine whether compensation (wages, salaries) are paid in Minnesota.
27. Part 8017.5000, Subp. 1, Item Z, incorporates Regulation IV.15(a), which sets out rules for determining what is included in sales, for purposes of the sales factor.
28. Part 8017.5000, Subp. 1, Item AA, incorporates Regulation IV.15(b), which deals with the denominator of the sales factor.
29. Part 8017.5000, Subp. 1, Item BB, incorporates Regulation IV.15(c), which deals with the numerator of the sales factor.
30. Part 8017.5000, Subp. 1, Item CC, incorporates Regulation IV.16(a), which defines sales of tangible personal property and provides examples.

31. Part 8017.5000, Subp. 1, Item DD, incorporates Regulation IV.16(b), which deals with sales of tangible personal property to the U.S. Government.

32. Part 8017.5000, Subp. 1, Item EE, incorporates Regulation IV.17, which explains how gross receipts from transactions other than sales of tangible personal property are treated for purposes of determining the sales factor.

33. Part 8017.5000, Subp. 1, Item FF, incorporates Regulation IV.18(a), which permits the use of other methods of apportionment if the allocation and apportionment methods of Article IV do not fairly represent the taxpayer's business activities in Minnesota. The Regulation is amended so that worldwide apportionment is not permitted.

34. Part 8017.5000, Subp. 1, Item GG, incorporates Regulation IV.18(b), which provides that if subrents taken into account in determining the net annual rental rate produce a negative or inaccurate value another method which properly reflects the value of rented property may be required by the commissioner or requested by the taxpayer.

35. Part 8017.5000, Subp. 1, Item HH, incorporates Regulation IV.18(c), which provides special rules for determining the sales factor in the case of incidental or occasional sales of fixed assets in the regular course of the taxpayer's business.

36. Part 8017.5000, Subp. 2, Items A-G, incorporates Regulation IV.18(d), which provides special rules for long term construction contractors. Construction contractors doing business within and without Minnesota determine their Minnesota income by use of a three-factor formula. The Regulation provides rules and examples.

37. Part 8017.5000, Subp. 3, Items A-J, incorporates Regulation IV.18(f), which provides special rules for railroads.

The agency's authority to adopt the proposed new rule is contained in Minnesota Statutes, section 290.52.

The agency estimates that there will be no cost to local public bodies in the state to implement the rule for the next two years within the meaning of Minnesota Statute, Section 14.11, Subp. 1.

The entire text of the proposed Rule is attached to this notice.

Arthur C. Roemer
Commissioner of Revenue

Rule as Proposed (all new material)

8017.5000 THE MULTISTATE TAX COMPACT.

Subpart 1. In general. Taxpayers who elect to be taxed under the apportionment and allocation provisions of Article IV of the Multistate Tax Compact, in accordance with Minnesota Statutes, section 290.171, are subject to the following regulations as found in Multistate Tax Commission Allocation and Apportionment Regulations, revised February 21, 1973, which is incorporated by reference. Copies of the regulations are available at the Minnesota State Law Library, 117 University Avenue, Saint Paul, MN 55155, and other law libraries. The regulations have also been printed in State and Local Taxes, volume 1, All States Unit, Prentice Hall, Inc., Englewood Cliffs, New Jersey. All references to Article IV refer to Minnesota Statutes, section 290.171, article IV. Taxpayers who elect to apportion their income to Minnesota pursuant to Minnesota Statutes, chapter 290, without regard to Minnesota Statutes, section 290.171, article IV, are subject to Minnesota Rules, chapter 8019.

A. Regulation IV.1.(a), except that references to Regulations IV.1.(c) and IV.1.(b) shall be deleted;

B. Regulation IV.1.(d);

C. Regulation IV.2.(a)(1), in which case "taxpayer" means any corporation, partnership, firm, association, governmental unit, or agency or person acting as a business entity in more than one state;

D. Regulation IV.2.(a)(2);

E. Regulation IV.2.(a)(3).

F. Regulation IV.2.(a)(4);

G. Regulation IV.2.(b)(1), except that the portion of the net income (or net loss) arising from such trade or business which is derived from sources within this state shall be determined in accordance with Minnesota Statutes, section 290.171, article IV.4 to IV.12;

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

H. Regulation IV.2.(b)(2), except that the combined report shall reflect income only from corporations created or organized in the United States or under the laws of the United States or of any state, the District of Columbia, the commonwealth of Puerto Rico, any possession of the United States, or any political subdivision of any of the foregoing and except that "Article IV.9 to IV.17" is amended to read "Minnesota Statutes, section 290.171, article IV.4 to IV.12";

I. Regulation IV.2.(b)(3), except that "Article IV.4. to IV.8" is amended to read "Minnesota Statutes, section 290.171, article IV." Nonbusiness income shall be allocated in accordance with Minnesota Statutes, sections 290.17 and 290.19;

J. Regulation IV.2.(c);

K. Regulation IV.3.(a);

L. Regulation IV.3.(b), except that the term "tax administrator" is amended to read "commissioner of revenue" wherever it occurs;

M. Regulation IV.3.(c);

N. Regulation IV.9, except that "Article IV.9" is amended to read "Minnesota Statutes, section 290.171, article IV.4";

O. Regulation IV.10.(a);

P. Regulation IV.10.(b);

Q. Regulation IV.10.(c);

R. Regulation IV.10.(d);

S. Regulation IV.11.(a);

T. Regulation IV.11.(b);

U. Regulation IV.12;

V. Regulation IV.13.(a);

W. Regulation IV.13.(b);

X. Regulation IV.13.(c) except that "Article IV.14" is amended to read "Minnesota Statutes, section 290.171, article IV.9";

Y. Regulation IV.14;

Z. Regulation IV.15.(a), except that in paragraph (1) "paragraphs (5) through (8) of Article IV" is amended to read "Minnesota Statutes, section 290.171, article IV";

AA. Regulation IV.15.(b);

BB. Regulation IV.15.(c);

CC. Regulation IV.16.(a);

DD. Regulation IV.16.(b);

EE. Regulation IV.17, except that in paragraph (1) "Article IV.17" is amended to read "Minnesota Statutes, section 290.171, article IV.12";

FF. Regulation IV.18.(a), except that if combined reporting is used, the combined report shall reflect income only from corporations created or organized in the United States or under the laws of the United States or of any state, the District of Columbia, the commonwealth of Puerto Rico, any possession of the United States, or any political subdivision of any of the foregoing, and except that "Article IV.18" is amended to read "Minnesota Statutes, section 290.171, article 13" and "Article IV.10 to .17" is amended to read "Minnesota Statutes, section 290.171, article IV.5 to .12";

GG. Regulation IV.18.(b); and

HH. Regulation IV.18.(c).

Subp. 2. Construction contractors. Long-term construction contractors who elect to be taxed under the apportionment and allocation provisions of Article IV of the Multistate Tax Compact, in accordance with Minnesota Statutes, section 290.171, shall be subject to the Multistate Tax Commission Construction Contractor Regulation IV.18.(d), adopted July 10, 1980, with the following modifications:

A. In the second sentence of clause (1), "Regulation IV.1." is amended to read "Regulation IV.1.(a) and (d)."

B. In the third sentence of clause (1), "Article IV.5 to .8" is amended to read "Minnesota Statutes, section 290.171, article IV";

C. Clause (2), Business and nonbusiness income, is amended to read: "For definitions, rules, and examples for determining business and nonbusiness income see Regulation IV.1.(a) and (d)."

D. Clause (3), Methods of accounting and year of inclusion, is amended to read: "For general rules of accounting, definitions, and methods of accounting for long-term construction contracts see Minnesota Statutes, sections 290.01, subdivision 20, and 290.07."

E. In paragraph (4)(iv), "Article IV.10 to .12 inclusive" is amended to read "Minnesota Statutes, section 290.171, article IV.5 to .7 inclusive."

F. In paragraph (4)(v), "Article IV.13 and .14" is amended to read "Minnesota Statutes, section 290.171, article IV.8 and .9."

G. In paragraph (4)(vi), the reference to "Article IV.15-.17 inclusive" is amended to read "Article IV.10-.12, inclusive of the Multistate Tax Compact, in accordance with Minnesota Statutes, section 290.171."

Sbp. 3. Railroads. Railroads which elect to be taxed under the apportionment and allocation provisions of Article IV of the Multistate Tax Compact, in accordance with Minnesota Statutes, section 290.171, shall be subject to Regulation IV.18.(f), adopted July 16, 1981, with the following modifications:

A. In the second sentence of clause (1), "Regulation IV.1" is amended to read "Regulation IV.1.(a) and (d)."

B. In the third sentence of clause (1), "Article IV.5 to .8, inclusive" is amended to read "Minnesota Statutes, section 290.171, article IV."

C. Clause (2), Business and nonbusiness income, is amended to read: "For definitions, rules, and examples for determining business and nonbusiness income, see Regulation IV.1.(a) and (d)."

D. In clause (3)(ii)A, "Article IV.11" is amended to read "Minnesota Statutes, section 290.171, article IV.6."

E. In clause (3)(ii)B.3, "Article IV.11" is amended to read "Minnesota Statutes, section 290.171, article IV.6."

F. In clause (3)(ii)B.4, "Article IV.12" is amended to read "Minnesota Statutes, section 290.171, article IV.7."

G. In clause (3)(ii)B.5, "Article IV.11" is amended to read "Minnesota Statutes, section 290.171, article IV.6."

H. In clause (3)(ii)C., "Article IV.10-.12 inclusive," is amended to read "Minnesota Statutes, section 290.171, article IV.5-.7, inclusive."

I. In clause (3)(ii)C.(iii), "Article IV.13-.14" is amended to read "Minnesota Statutes, section 290.171, article IV.8-.9."

J. In the second paragraph of clause (3)(ii)C.(iv)A., "Article IV.15-.17" is amended to read "Minnesota Statutes, section 290.171, article IV.10-.12."

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ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Animal Health

Adopted Rules Governing Livestock Sales

The rules proposed and published at *State Register*, Volume 9, Number 11, pages 538-543, September 10, 1984 (9 S.R. 538) are adopted as proposed.

Housing Finance Agency

Adopted Rules Governing the Home Ownership Assistance Fund

The rule proposed and published at *State Register*, Volume 9, Number 23, pages 1234-1235, December 3, 1984 (9 S.R. 1234) is adopted as proposed.

Department of Labor and Industry

Adopted Rule Governing Pipefitters' Fees

The rule proposed and published at *State Register*, Volume 9, Number 20, pages 1033-1035, November 12, 1984 (9 S.R. 1033) is adopted as proposed.

Department of Labor and Industry

Adopted Rules Relating to Volunteer Apprentice Program Administration

The rules proposed and published at *State Register*, Volume 9, Number 21, pages 1090-1097, November 19, 1984 (9 S.R. 1090) are adopted with the following modifications:

Rules as Adopted

5200.0420 MAINTENANCE OF RECORDS.

Subp. 3. Retention and availability of records. Under the state of Minnesota plan for equal employment opportunity in apprenticeship, it is the obligation of the sponsor to keep records as required by the Division of Voluntary Apprenticeship pertaining to individual applicants for apprenticeship whether selected or rejected, for five years and be made available upon request to authorized personnel of the Division of Voluntary Apprenticeship. These records pertaining to applicants must be maintained in a manner that permits identification of minority and female participants.

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 Energy and Economic Development Energy and Economic Development Authority

Public Hearing on Proposed Project and the Issuance of Bonds Under Minnesota Statutes, Chapter 116M—Mathias Die Company

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on March 27, 1985, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Chapter 116M, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Mathias Die Company, Inc. (the "Company"), a Minnesota corporation. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the construction of a new building on land owned by the Company and the installation of fixtures therein to be used by the Company as office space and as a manufacturing facility in connection with its business of cutting and tooling dies, to be located in the City of South St. Paul, Dakota County, Minnesota (street address: 925 Concord Street South, South St. Paul, Minnesota) (the "Project"). The initial owner, operator and manager of the Project will be the Company. The estimated maximum amount of the proposed bond issue is an amount equal to \$1,000,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

March 4, 1985.

By order of the members of the
Minnesota Energy and Economic
Development Authority
Mark B. Dayton
Commissioner, Department of Energy
and Economic Development, and
Chairman, Minnesota Energy and
Economic Development Authority

Department of Energy and Economic Development Financial Management Division

Availability of Issuance Authority in Competitive Pool

Pursuant to Minn. Laws 1984, ch. 582 § 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the Competitive Pool as of March 5, 1985, is \$6,385,000.00, and will be available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by March 20, 1985. Pursuant to Minn. Laws 1984, ch. 582 § 16, to be codified as 474.19, non Entitlement Issuers must submit an application, a preliminary resolution, an application deposit and any other supporting documents required.

OFFICIAL NOTICES

Balance of Competitive Pool on February 5, 1985—\$22,520,000.00.

Add:

Unused Entitlement Allocations as of August 31, 1984:

\$N/A

Returned Allocations:

\$None

Total Pool Available as of March 5, 1985:

\$22,520,000.00

Allocations awarded from the Competitive Pool during the month ending March 5, 1985, are:

<i>Issuer</i>	<i>Project</i>	<i>No. of Pts.</i>	<i>Amount</i>
City of Detroit Lakes	Central Business Dist. Shopping Center	11	\$6,000,000.00
City of Mountain Iron	Building Material Store & Warehouse	10	500,000.00
City of Crookston	Northern Quilters, Inc.	9	700,000.00
City of Fosston	Fosston Commercial Ctr.	9	350,000.00
City of Olivia	Keltgen Seed Co.	8	6,000,000.00
City of Anoka	Anoka Office Center Building	7	1,900,000.00
City of Slayton	Home for Mentally retarded	7	<u>685,000.00</u>
Total Allocations Awarded:			\$16,135,000.00
Amount of Issuance Authority Available as of March 5, 1985			\$ 6,385,000.00

Housing Finance Agency

Public Hearing on Bond Issue

The Minnesota Housing Finance Agency will hold a public hearing pursuant to Section 103(k) of the Internal Revenue Code of 1954, as amended, on March 28, 1985, at 11:30 o'clock A.M., 5th Floor Conference Room, 333 Sibley Street, Saint Paul, Minnesota, 55101, on a proposed issue of housing development bonds in an aggregate principal amount not to exceed \$51,791,000 for the purpose of financing the facilities described below as residential rental projects. The general functional description of the type and use of each facility, the maximum aggregate face amount of bonds to be issued with respect to it, the initial owner, operator, or manager of the facility, and its prospective location are as follows:

<i>Description</i>	<i>Maximum Bond Amount</i>	<i>Initial Owner, Operator or Manager</i>	<i>Location</i>
New apartment building (approx. 24 units)	\$ 950,000	A partnership, corporation or other entity, one or more of the members of which is G.H.S., J. Willard Haukos, Jan Haukos, Kim Haukos, Wayne Huepenbecker, Helen Gruenhagen, Gail Schatz, or a related party.	So. Grade Road and Merrill St.; Hutchinson, MN.
New apartment building (approx. 96 units)	\$3,918,000	A partnership, corporation or other entity, one of the members of which is Jim W. Miller Construction, Inc., or a related party.	3224 W. St. Germain, St. Cloud, MN.
New apartment buildings (approx. 62 units)	\$3,254,000	A partnership, corporation or other entity, one or more of the members of which is Weis Development Corp., Joseph Weis, Jay Weis, Erik Weis, or a related party.	16th Ave. and 48th St., Rochester, MN.

<i>Description</i>	<i>Maximum Bond Amount</i>	<i>Initial Owner, Operator or Manager</i>	<i>Location</i>
Rehabilitation and construction of school into an apartment building (approx. 14 units)	\$ 276,000	A partnership, corporation or other entity, one of the members of which is Gary A. Groh, Rose Marie Groh, or a related party.	403-12th St. N.E., Austin, MN.
New apartment and townhouse buildings (approx. 58 units)	\$3,400,000	A partnership, corporation or other entity, one or more of the member of which is Laukka-Williams Parkside Partnership, L.A. Laukka Development Co., Second Williams Financial Corp., or a related party.	99th Ave. and Coon Rapids Blvd., Coon Rapids, MN.
New apartment buildings (approx. 120 units)	\$6,771,000	A partnership, corporation, or other entity, one of the members of which is Can-American Realty Corporation, or a related party.	S.E. corner of E. Travelers Trail and Trammell Drive, Burnsville, MN.
New apartment buildings (approx. 153 units)	\$9,200,000	A partnership, corporation or other entity, one or more of the members of which is Oakwood Investment, John Schuett, or a related party.	Kimberly Lane and Olive Lane, Plymouth, MN.
Rehabilitation and construction of church into an apartment building (approx. 19 units)	\$ 820,000	A partnership, corporation or other entity, one or more of the members of which is Robert A. Hoffman, David J. Curry, or a related party.	740 Ashland, St. Paul, MN.
Rehabilitation of an apartment building (approx. 19 units)	\$ 582,000	A partnership, corporation or other entity, one or more of the members of which is PPL Service Corp., Glen Lindgren, Patricia Lindgren, G. Terry McNellis, Mary McNellis, or a related party.	920 E. 19th St., Minneapolis, MN.
Rehabilitation and construction of hotel into an apartment building (approx. 16 units)	\$1,077,000	A partnership, corporation or other entity, one or more of the members of which is Kensington Properties, Earl Cohen, Jon Rappaport, Robert Levine, or a related party.	111-113 W. Lincoln, Fergus Falls, MN.
New townhouse apartment buildings (approx. 20 units)	\$1,104,000	A partnership, corporation or other entity, one of the members of which is Podawiltz Development Corporation, J. Michael Podawiltz, or a related party.	S. Sibley Ave. and Weisel St., Litchfield, MN.

OFFICIAL NOTICES

<i>Description</i>	<i>Maximum Bond Amount</i>	<i>Initial Owner, Operator or Manager</i>	<i>Location</i>
New apartment building (approx. 36 units)	\$1,761,000	A partnership, corporation or other entity, one of the members of which is Guardian Angels Foundation of Elk River, Inc., or a related party.	300 Evans Ave., Elk River, MN.
New apartment building (approx. 36 units)	\$2,400,000	A partnership, corporation or other entity, one of the members of which is Lakeview Methodist Health Care Center, or a related party.	620 Summit Drive, Fairmont, MN.
New apartment building (approx. 56 units)	\$3,400,000	A partnership, corporation or other entity, one of the members of which is Derrick Land Co., or a related party.	N.E. corner TH 5 and County Rd. 4, Eden Prairie, MN.
Rehabilitation and new construction of hospital into apartment buildings (approx. 54-145 units)	\$9,900,000	A partnership, corporation or other entity, one or more of the members of which is Brighton Development Corp., Richard Brustad, Margaret Lucas, Linda Donaldson, or a related party.	N.E. corner Forest Street and Ivy Ave., St. Paul, MN.
New apartment building (approx. 48 units)	\$2,978,000	A partnership, corporation or other entity, one or more of the members of which is Henry Hyatt, Sheldon Baskin, Ralph Brown, Fred Bonner, or a related party.	2287 Palmer Drive, New Brighton, MN.

The proceeds received by the Agency from the sale of the bonds net of costs of issuance and the establishment of reserves will be loaned to the Developers for the acquisition and construction or rehabilitation of the facilities. The bonds will be payable from the loan repayments and other revenues of the Agency. The State of Minnesota will not be liable thereon and the bonds will not be a debt of the State.

All persons interested will be given an opportunity to express their views. Persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, which written comments will be considered at the hearing.

March 1, 1985

By James J. Solem, Executive Director
Housing Finance Agency

Department of Health Division of Environmental Health

Outside Opinion Sought Regarding Rules Governing Water Well Contractor Fees; Registration Fees for Engineers Who Drill Monitoring Wells; Mineral Explorer License Fees; Permit Fees for Groundwater Thermal Exchange Devices and Vertical Heat Exchangers; Sanitarian Registration Fees; Water Conditioning Installing and Contractor Fees; Master and Journeyman Plumber Fees; and Plumbers' Apprentice Registration Fees

Notice is hereby given that the Department of Health is seeking information or opinions from persons or groups in preparing and amending the rules governing the following fees:

- water well contractor filing and license fees
- registration fees for engineers who drill monitoring wells
- mineral explorer license fees and application fees for designation as responsible party for mineral exploration
- permit fees for groundwater thermal exchange devices and vertical heat exchangers
- sanitarian registration fees
- water conditioning installer and contractor examination, license and bonding fees
- master and journeyman plumber examination, license and bonding fees
- plumbers' apprentice registration fees (proposed new fees)

The adoption of these fees is authorized by Minn. Stat., Chaps. 144, 156A, 214, and 326.

The Department of Health requests information and comments concerning the proposed fees including comment on the issue of whether or not these fees are likely to have a qualitative or quantitative impact on small business as defined in Minn. Stat., § 14.115. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Patricia Leonard-Mayer
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street S.E.—P.O. Box 9441
Minneapolis, Minnesota 55440

Oral statements regarding sanitarian registration fees will be received during regular business hours at 612/623-5329. All other comments will be received during regular business hours at 612/623-5297. All statements of information and comment shall become part of the rulemaking record.

Board of Investment Investment Advisory Council

Notice of Regular Meeting

The State Board of Investment will meet on Thursday, March 21, 1985 at 8:30 A.M. in Room 100, Capitol Square Building, 550 Cedar Street, Saint Paul.

The Investment Advisory Council will meet at 2:30 P.M. on Wednesday, March 20, 1985 at 2:30 p.m. in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul.

Minnesota State Retirement System

Board of Directors Special Meeting

A special meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, March 15, 1985 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

OFFICIAL NOTICES

Department of Transportation

Petition of the City of Marshall for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the City Council of Marshall has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on "E" Street from Lyon Street to East Main Street.

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 a 19 mile instead of the required 30 mile-per-hour Design Speed.

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.

February 27, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Northfield for a Variance from State Aid Standards for Design Speed and Bridge Width

Notice is hereby given that the City Council of Northfield has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a rehabilitation of Bridge #1232 on Fourth Street over the Cannon River and Street and Utility improvements on Water Street and Third Street from the Fourth Street Bridge to Trunk Highway 3.

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 a 15 mile-per-hour design speed instead of the required 30 miles per hour, and to permit a 31 instead of the required 32-foot bridge width.

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.

February 25, 1985

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
Various Contract	Lounge Furniture	Various	Various	Contact buyer
67-240-10407	Concrete Joint Sealer	Transportation	Various	Contact buyer
29-000-37258 etc.	PBX Telephone System	Revenue	West St. Paul	Contact buyer
Contract	Aluminum Boats & Canoes	Natural Resources	Various	Contact buyer
26-074-09916	Towels & Washcloths: Plain White and "Marked"	Various	Various	\$50,000-55,000
	Purchase of Laser Printer	Winona State University	Winona	Contact buyer
29-002-10589	Tree Planters	Natural Resources	Grand Rapids	Contact buyer
02-310-13726	Building Materials	Faribault State Hospital	Faribault	Contact buyer
Rebid 21-200-09217	Clean & Recoat Cooling Towers	Economic Security	St. Paul	Contact buyer
Contract	Sheets & Pillowcases, Bed (Marked)	Various	Various	\$70,000-75,000
79-000-46520 & 46522	Loop Detectors	Transportation	St. Paul	Contact buyer
07-100-33413, 6457	Neighborhood Involvement Kit	Public Safety	St. Paul	Contact buyer
Schedule 95	1985 Bituminous Requirements	Transportation	Various	Contact buyer
79-000-46356	Air Compressor	Transportation	Owatonna	Contact buyer
21-200-6302, 6342-3-4-5-6-7	DES Forms (7)	Economic Security	St. Paul	Contact buyer
09-372-3-4-5-6-7-80				
6454-5-6- 07-500	Patrol Care and I.D. Decals	Public Safety	St. Paul	Contact buyer
33418-9-20				
Contract	Bed Sheets, Sheeting and Pillowcases	Various	Various	\$90,000-95,000
Various	Meat & Meat Products for the Month of April, 1985	Various	Various	Contact buyer
Sch. (4)	Poultry Requirements for April, May, June, 1985	Various	Various	Contact buyer
53-000-01461	Purchase of Computer System	Secretary of State	St. Paul	Contact buyer
Sch. 95A	Crackfiller	Transportation	Various	Contact buyer

Contact 296-6152 for referral to specific buyers.

STATE CONTRACTS

Department of Economic Security Office of Budget and Management

Request for Proposals for Minnesota Community Action Data System (MCADS) Support Services

The Department of Economic Security, Office of Budget and Management is seeking a qualified computer programmer or firm to provide technical assistance and system maintenance for users of the Minnesota Community Action Data System (MCADS).

A copy of the Request for Proposals is available upon request. Inquiries and requests should be directed to:

Larry Simmons
Minnesota Department of Economic Security
Office of Budget and Management
Grants Management Unit
690 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101
(612) 296-6066

The contract to be awarded is to be between \$110,000 and \$115,000. Proposals must be received by the Department of Economic Security, Office of Budget and Management—Grants Management Unit, no later than 4:00 p.m. March 18, 1985.

Governor's Commission on Northeast Minnesota

Request for Proposals for Consultant to Review the Structure and Operations of the Iron Range Resources and Rehabilitation Board

The Governor's Commission on Northeast Minnesota intends to engage a consultant to review the structure and future operations of the Iron Range Resources and Rehabilitation Board (IRRRB).

Specific tasks required of this consultant include the following:

- Analyze economic development opportunities and priorities for the Iron Range Region.
- Analyze interest opportunities and priorities.
- Review and refine the objectives, mission and structure of the IRRRB.
- Review operations and procedures of the Board and develop recommendations for improvements and an implementation strategy.

For further information, contact Mr. David Lilly, 301 Morrill Hall, 100 Church Street SE, University of Minnesota, Minneapolis, MN 55455, (612) 373-5940.

The deadline for receipt of proposals is March 25, 1985.

Department of Health Emergency Medical Services Section

Request for Proposals for Developing a Training Program for Emergency Medical Services Dispatchers in Minnesota

The Commissioner of Health is requesting proposals for developing a curriculum and implementing a pilot program for training Emergency Medical Services (EMS) dispatchers. Applicants must develop a curriculum and course materials for a program which is expected to be offered at a local level throughout the state and which is expected to achieve financial self-sufficiency. The successful bidder will receive a one-time contract of not more than \$16,000.

This request for proposal (RFP) does not obligate the commissioner to fund the project and the commissioner reserves the right to modify or cancel the solicitation if she considers it to be in the best interest of the state to do so.

I. Project Objective

The ultimate objective is to make available, on a statewide basis, local or regional-level training programs for EMS dispatchers. The training programs will improve accuracy, efficiency and response time when the local EMS system is called on to respond to medical emergencies.

II. Project Product

The successful applicant must develop an EMS dispatcher training program, including a course curriculum for students and teachers and supporting course materials and must pilot test and evaluate the course results in at least one locality or region in the state.

III. Proposal Contents

Respondents must address at least the following in their proposals:

A. Proposed methodology for identifying problems unique to rural and urban dispatching systems and dispatching systems which have and haven't implemented 911.

B. Proposed methodology and time frame for developing an EMS dispatcher training course and for pilot testing the course in at least one facility. This part of the proposal must include:

1. Plans to integrate EMS dispatcher training into 911 system dispatcher training.

2. Plans to integrate appropriate parts of the U.S. Department of Transportation National Highway Traffic Safety Administration's "Emergency Medical Services Dispatcher: National Standard Curriculum" (available on request from the Minnesota Department of Health, EMS Section) into the project's training course.

3. Plans to include applicable parts of the Minnesota Department of Health rules regarding primary service areas in the project's training course.

4. Plans to integrate the EMS dispatcher course into existing EMS training programs.

C. Proposed Methodology for evaluating the pilot test of the program.

D. Proposed methods for making the developed training course "portable" to localities other than the pilot testing site.

E. Proposed methods for making the training program ongoing and self-sufficient.

F. Qualifications of staff who will be working on the project.

G. Proposed cost of the project.

H. A proposed line item budget for the project.

Note: A responder may propose additional tasks or activities if they will substantially improve the results of the project.

IV. Ownership of Documents

All reports, studies, photographs, negatives or other documents prepared by the successful applicant in the performance of its obligations under the RFP and subsequent contract shall be the exclusive property of the State of Minnesota.

V. Project Completion

All work must be completed and all documents, reports and other materials must be in final form by September 15, 1985.

VI. Proposal Submission

Project proposals must be received by the Department by 4:30 p.m., April 8, 1985. Address the proposal to:

Wayne Carlson, Special Projects Coordinator
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
612/623-5595

Prospective responders who have questions may call or write Mr. Carlson at the above address.

Housing Finance Agency

Request for Proposals for Administrators for the St. Paul Urban Indian Housing Loan Program

The Minnesota Housing Finance Agency announces the availability of funding for the St. Paul Urban Indian Housing Loan Program. Proposals are hereby solicited from all interested parties who are considered eligible "Administrators" by Minnesota Rule, Part 4900.1510.

The deadline for receipt of hand delivered proposals is 4:30 p.m., April 1, 1985. All other proposals must be sent by certified mail and postmarked no later than April 1, 1985.

The St. Paul Urban Indian Housing Loan Program provides money for housing loan programs for low and moderate income American Indians residing in St. Paul. There is approximately \$450,000 available for the Urban Indian Housing Program.

Proposals must include:

1. Evidence of applicant eligibility as an "Administrator." This can be determined by examination of eligible "Administrator" criteria contained in the information packet described below.
2. The proposed program including population and need data for American Indians residing in the area to be served and methods to be used to meet the identified needs.
3. A financial description of the program including the dollar amount of funds requested, types and terms of loans, the costs and method of program administration, and the source of funds with which state appropriations will be combined. Please note that evidence regarding the availability of this additional source of funds must be submitted with the proposal, and that said funds must be available as of the date of program commencement. Although all programs may be considered, priority may be given to a program providing rental opportunities for St. Paul Indian families. The St. Paul Department of Planning and Economic Development has indicated that below market interest rate rehabilitation loans may be provided for such a program, and the St. Paul Public Housing Authority has indicated that Section 8 rental subsidy certificates may also be available.
4. A description of the methods proposed to identify and select participants.
5. Evidence of administrative capacity to carry out the proposed program including resumes of personnel, a brief description of past performance which indicates previous housing experience, if any.
6. The extent to which American Indians will be or are involved in the administration of the program and in the ownership, management and labor force of contractors or subcontractors intended to be employed in the program, if known.

All proposals will be evaluated by Agency staff in accordance with Minnesota Rules 4900.1560. Comments from the Urban Indian Advisory Council will be solicited and considered for each proposal. Any applicant submitting a proposal which meets the objectives of the St. Paul Urban Indian Housing Loan Program and which the applicant determines is not best presented in the form of proposal required by this request may submit the proposal in any form desired, provided that the applicant also submits a proposal meeting the requirements of the request.

Complete proposal packets which contain specific information and instructions for proposal submission may be obtained from the Minnesota Housing Finance Agency, 333 Sibley Street—Suite 200, St. Paul, Minnesota 55101, Attention: Eleanor Northrop, Housing Development Officer.

Department of Human Services Chemical Dependency Program Division

Request for Proposals for Outpatient Treatment Services for Chemically Dependent Persons and for Service Alternatives for Chronically Chemically Dependent Persons

Notice is hereby given that the Chemical Dependency Program Division (CDPD) of Minnesota's Department of Human Services is seeking proposals for the provision of (a) outpatient treatment services in combination with short inpatient stays at the Chemical Dependency Units of the State Hospitals; and (b) the development of service alternatives for chronic chemically dependent persons.

Proposals must be submitted on the CDPD grant application form that can be obtained by contacting Dorrie Hennagir at 612/296-4617. Six copies of the proposal must be received by the CDPD office no later than 4:20 p.m. on May 24, 1985, in order to be

considered. The selection process will be completed by June 20, 1985. It is anticipated that projects will start on or about August 1, 1985.

It is anticipated that two grant awards of up to \$20,000 each will be made available for projects funded under category (a) (outpatient treatment). Proposals for outpatient services from counties and programs within counties already receiving treatment funds from the CDPD, excluding Jail Treatment Grants, will not be accepted. The outpatient treatment services must provide at least the following:

1. A system that will allow the state hospital and county to provide a level of care appropriate to the needs of county residents.
2. Assistance in reducing the cost of treating public assistance clients by providing a lower cost treatment option.
3. Assistance in developing and evaluating appropriate admission criteria for inpatient/outpatient combination programs.

It is anticipated that three grant awards of up to \$25,000 each will be made available for projects funded under category (b), services for the chronic chemically dependent person. Funding for these projects is contingent upon an appropriation by the 1985 legislature. Projects must provide at least one of the following:

1. New care of treatment facility development, such as domiciliary care facilities.
2. Improvements or expansions to existing services or facilities for the chronic chemically dependent person.
3. Development and demonstration of new services or treatment strategies, either by expansion of an existing service or development of a freestanding-non hospital based program.

Any further information or clarification concerning category (a) should be directed to Mr. Richard Hope, category (b) to Mr. Wayne Raske.

Richard Hope
Chemical Dependency Program Division
Space Center
444 Lafayette Road
St. Paul, MN 55101
612/296-4605

Wayne Raske
Chemical Dependency Program Division
Space Center
444 Lafayette Road
St. Paul, MN 55101
612/296-2174

Department of Human Services Health Care Programs Division

Request for Proposals for Services as a Medical Review Agent

The Department of Human Services is requesting proposals for statewide admission certification of inpatient hospital admissions on Medical Assistance and General Assistance Medical Care recipients.

Activities of the medical review agent will include validation of the admission necessity, appropriateness of treatment, and diagnostic category; identification of the appropriateness, underutilization and/or overutilization of emergency admissions, transfers and outliers.

The contract period will be from July 1, 1985 to June 30, 1986. The total cost will not exceed \$750,000.

Guidelines to be used in the preparation of the proposal are governed under Hospital Admission Certification Rule Mn. Rules 9505.0500 to 9505.0540 and the proposed Mn. Rules 9500.1090-9500.1155 Hospital Reimbursement. A detailed description and requirements for submission to the proposal is available from the Professional Services Section, Department of Human Services. Deadline for receipt of proposals is 3 P.M. Friday, April 15, 1985. Award for the contract will be May 24, 1985.

Proposals and inquiries should be directed to:

Thomas L. JoliCoeur, Supervisor
Health Care Programs Division
Professional Services Section
Space Center
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-8822

STATE CONTRACTS

State Designer Selection Board

Request for Proposals for State Project

TO ARCHITECTS AND ENGINEERS REGISTERED IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for the University of Minnesota. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., April 3, 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.

7) PROJECT—5-85

**Dairy Barn & Research/Teaching Center
Northwest Experiment Station
University of Minnesota—Crookston
Crookston, Minnesota**

Project Description**I. New Construction: 12,602 gsf**

Estimated Construction Cost: \$400,000.00

A. Dairy Barn for 40 cows (106' × 56') 5,936 gsf

1. 40 comfort tie stalls in warm barn (106 × 36)
2. Laboratory (25 × 14)
3. Storage Room (20 × 14)
4. Men's and Women's Restrooms (25 × 14)
5. Employee Lounge (15 × 14)
6. Office—Headquarters (15 × 14)
7. Observation Walkway (106 × 5)

B. Milking Parlor (44' × 56') 2,464 gsf

1. Herringbone Parlor (24 × 27)
2. Two Holding Pens (44 × 29)
3. Milk Room (20 × 20)
4. Equipment Room (7 × 20)

C. Young Stock Barn (98 × 36) 3,528 gsf

1. Maternity Pens (33 × 36)
2. Yearling Pens (33 × 36)
3. Calf Pens (32 × 36)

D. Handling Facility 672 gsf**II. Remodeling of existing 60-cow Dairy Barn (166' × 36') 5,976 fsf**

Estimated Construction Cost: \$60,000.00

III. Waste Storage—150,000-gallon manure storage tank

Estimated Construction Cost: \$40,000.00

TOTAL ESTIMATED CONSTRUCTION COST: \$500,000.00

Designer Services

The designer will be required to prepare in cooperation with the owner's Building Advisory Committee for the owner's approval, schematic design presentation proposals, design development drawings and specifications, construction drawings and specifications for public bidding. Construction phase services will include shop drawing reviews, construction observation and the production of a set of "as-built" drawings.

Fees

The fees for the project will be negotiated on the basis of general guidelines for similar type projects.

Questions concerning this project may be referred to Clint Hewitt at 373-2250.

John D. Nagel, Chairman
State Designer Selection Board

Department of Transportation

Request For Proposals For Computer Application Software Packages and/or Custom Modification, and Subsystems and Interfaces for an Automated Accounts Receivable System (A/R)

It has been determined that the Minnesota Department of Transportation (Mn/DOT) requires computer hardware, operating software, application software packages, and custom modification and interfaces for a new automated accounts receivable system to replace an existing inadequate system. Proposals are solicited from qualified firms. Considerable custom adaptation, systems design, programming and system testing is anticipated. Qualified firms should propose the following:

1. Hardware and Operating Software requirements for the system
2. Application custom development and/or application software packages
3. Custom Systems Design, Programming, and System Testing as well as adaptations or modifications to the packages.

Selection will be based on compatible elements.

This request for proposals does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

A. SCOPE OF PROJECT

Successful completion of the project will require the acquisition and installation of current technology computer hardware, application software packages and/or custom modification, and interfaces that meet specified Mn/DOT information requirements.

B. GOALS AND OBJECTIVES

The goal is the implementation of a new Mn/DOT accounts receivable system that meets the information requirements identified in Mn/DOT's A/R systems specifications.

C. DELIVERABLES

1. Identification of computer hardware which meets the hardware and environmental specifications. (Hardware will be acquired by Mn/DOT through separate purchase.)
2. Identification of operating software (operating system, utilities, data communication, compilers, etc.) to be purchased by Mn/DOT.
3. Provide application custom development and/or application software packages which include:
 - a. Customer and/or Product File
 - b. Order Entry
 - c. Invoicing
 - d. Accounts Receivable
 - e. Sales Statistics
 - f. Revenue and Accounts Receivable Accounting and Control
4. Provide custom systems design, programming and systems testing to meet the Mn/DOT information requirements:
 - a. Modification to provide the specific required features or capabilities for the A/R system.
 - b. Necessary interfaces or subsystems.
 1. Mn/DOT Cost Accounting System
 2. Mn/DOT Permit Fee System
 3. Mn/DOT Cash Receipt System
 4. Mn/DOT Special Agreement System (The cost of this subsystem must be separately itemized.)
5. In summary, a fully tested and operational invoicing and accounts receivable system.

D. PROJECT TASKS

Project tasks include, but are not limited to the following:

1. Propose application software packages and, upon contract approval, install the packages providing user education and training as well as user support.

2. Propose general systems design, detail systems design, programming, system testing, user training and implementation for the specific required features or capabilities and the necessary subsystems and/or interfaces. Upon contract approval, perform the above elements resulting in an operational A/R system meeting Mn/DOT information requirements.

3. User documentation and conversion programs are not included in this proposal.

E. MN/DOT CONTACTS

Prospective responders who have questions regarding this proposal may call or write:

E. H. Cohoon
Director, Office of Financial Management
408 Transportation Building
St. Paul, Minnesota 55155

Please Note: Other Mn/DOT personnel are not allowed to discuss this project with responders before the submittal of proposal deadline.

A meeting of prospective bidders is scheduled for Friday, March 15, 1985, at 8:30 A.M. in Room 406, Transportation Building, St. Paul, Minnesota. Please call Diane Leuzinger at 612/296-3009 for reservations.

The following schedules are available to prospective bidders as follows:

1. Hardware and environmental specifications
2. Application and software specifications
3. Mn/DOT accounts receivable classifications
4. Mn/DOT estimated volumes
5. Mn/DOT specific required features or capabilities
6. Mn/DOT necessary interfaces to existing or planned systems and new subsystems

Please call Diane Leuzinger at 612/296-3009 for copies of these schedules.

F. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

E. H. Cohoon
Director, Office of Financial Management
408 Transportation Building
St. Paul, Minnesota 55155

Not later than 4:30 p.m., Friday, April 5, 1985.

Late proposals will not be accepted. Submit 3 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

G. PROJECT COSTS

Mn/DOT has estimated that the cost of this project, exclusive of hardware, will be approximately \$150,000.

H. PROJECT COMPLETION DATE

Application custom development and/or application software packages and custom adaptations and modifications are expected to be completed by October 31, 1985 or within 6 months from date of project authorization.

I. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals and tasks to demonstrate the responder's understanding of the nature of the project.
2. A direct response to the schedules furnished by Mn/DOT in the same order and referenced to the numbered items as follows:

STATE CONTRACTS

SCHEDULE

- A. Hardware and environmental specifications
- B. Application software specifications
- C. Estimated disk requirements by element
- D. Estimates for general systems design, detail design, programming, system testing, user training and implementation.
 - 1. Specific required features and capabilities
 - 2. Necessary subsystems and/or interfaces.

RESPONSE (IN DETAIL)

Hardware
Custom development or application software
Custom development or application software
Custom software and/or modification

3. Cost and time estimates for above schedules.

4. Identify and describe the deliverables to be provided by responder.

5. Outline the responder's background and experience with particular emphasis on state government work. Identify personnel to conduct the project and detail their training and work experience. (No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.)

6. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and which will be used as a scheduling and managing tool as well as a basis for invoicing.

J. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Department of Transportation. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged include, but will not be limited to, the following:

- 1. Expressed understanding of project objectives.
- 2. Qualifications of both company and personnel.
- 3. Project Work Plan.
- 4. Completion dates
- 5. Cost detail.

Evaluation and selection will be completed by April 19, 1985. Results will be sent immediately by mail to all responders.

Department of Transportation Technical Services Division

Availability of Contract for Bridge Design for Trunk Highway 394 and HOV Lanes

The Minnesota Department of Transportation intends to engage a consultant to design and prepare construction plans for Bridge No. 27770 (T.H. 394 and HOV Lanes over Railroad tracks and unstable soils) in Minneapolis, Minnesota.

Work is proposed to start after July 1, 1985. Approximately one year anticipated for completion.

Technical inquiries should be directed to:

Mr. K. V. Benthin
State Bridge Engineer
Transportation Building
St. Paul, MN 55155
(612) 296-3172

Firms desiring consideration should submit their expression of interest along with three copies of their Federal Forms 254 and 255 to:

Mr. B. E. McCarthy
Consultant Services Engineer
Room 612B
Transportation Building
St. Paul, MN 55155

Response deadline is 4:00 p.m., April 1, 1985.

**Department of Transportation
Technical Services Division****Availability of Contract for Bridge Design for Two Bridges Carrying HOV Lanes Over
Minneapolis Bridge**

The Minnesota Department of Transportation intends to engage a consultant to design and prepare construction plans for Bridge No. 27776 and Bridge No. 27777 carrying HOV Lanes over Bridge No. 27831 in Minneapolis, Minnesota.

Work is proposed to start after July 1, 1985. Approximately one year anticipated for completion.

Technical inquiries should be directed to:

Mr. K. V. Benthin
State Bridge Engineer
Transportation Building
St. Paul, MN 55155
(612) 296-3172

Firms desiring consideration should submit their expression of interest along with three copies of their Federal Forms 254 and 255 to:

Mr. B. E. McCarthy
Consultant Services Engineer
Room 612B
Transportation Building
St. Paul, MN 55155

Response deadline is 5:00 p.m., April 1, 1985.

SUPREME COURT**Decisions Filed Friday, March 1, 1985****Compiled by Wayne O. Tschimperle, Clerk**

C9-84-345 State of Minnesota v. Douglas Miles Winchell, Appellant. Court of Appeals.

District Court properly departed from presumptive sentence in sentencing defendant for aggravated robbery.

Reversed. Amdahl, C.J.

C1-84-1599 State of Minnesota v. Randall Stewart Dulski, Appellant. Court of Appeals.

When a criminal defendant is sentenced to a concurrent sentence for an offense committed while on probation, he ordinarily is entitled to receive full credit—against both the current sentence and the sentence for which probation is revoked—for time spent in custody following his arrest for the current offense.

Reversed. Amdahl, C.J.

C8-84-1163, C1-84-1165 Kristoffer Edward Olsen, Relator (C1-84-1165), v. Joseph Kling, d.b.a. K4M Company, Relator (C8-84-1163), and Western National Mutual Insurance Company, Relator (C8-84-1163), Minnesota Department of Public Welfare, Intervenor, State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

There is substantial support in the evidence for findings concerning employment relationship, and the extent of permanent partial disability the employee sustained to his back.

When an employer claims it had workers' compensation insurance on the date of injury, and the insurer denies coverage, the employer is "not insured" within the meaning of Minn. Stat. § 176.183, subd. 1 (1984) until such time as the employer proves that coverage exists. In this case the employer was "not insured or self-insured" at the time of the compensation judge's decision, so the compensation judge should have awarded compensation to the employee and required that the award be paid by the special compensation fund.

Affirmed in part, reversed in part, and remanded. Peterson, J.

SUPREME COURT

Orders Filed February 19, 1985

C9-85-243 In the Matter of the Application for the Discipline of Robert J. Appert, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended for six months, and on probation for one year. Amdahl, C.J.

C0-85-244 In the Matter of the Application for the Discipline of Gerald G. Pyle, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended for two years and on probation for one year. Amdahl, C.J.

C2-85-245 In the Matter of the Application for the Discipline of James J. Tuzinski, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Amdahl, C.J.

ERRATA

Department of Health

Proposed Emergency Rules Relating to Procedures for the Replacement of Medical Assistance Certified Beds in Nursing and Boarding Care Homes; Correction of Notice

An incorrect date was printed in the February 18, 1985 issue of the *State Register* (SR 1858) for the cutoff period for the above-referenced rules. The incorrect date printed was March 1, 1985. The correct date is March 11, 1985.

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